

CF 7r1542

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**By: Delegates C. Davis, Branch, and Harrison**

Introduced and read first time: January 16, 1997

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

**2 Crimes Involving Motor Vehicles - Drivers' Licenses - Issuance and Suspension**

3 FOR the purpose of requiring the Motor Vehicle Administration to refuse to issue a  
4 driver's license to any person who is under a certain age and who has been convicted  
5 of certain offenses involving motor vehicles; requiring the Administration to  
6 suspend the license of any person who has been convicted of certain offenses  
7 involving motor vehicles for a certain period; expanding a provision that authorizes  
8 the Administration to suspend a license for more than a certain period under  
9 certain circumstances; making it a misdemeanor for a person to drive a motor  
10 vehicle after the person's driver's license has been suspended under this Act;  
11 imposing a certain penalty, including a mandatory minimum term of imprisonment;  
12 requiring the court to provide certain notice to the Administration; defining a  
13 certain term; and generally relating to motor vehicles and drivers' licenses.

14 BY repealing and reenacting, with amendments,  
15 Article 27 - Crimes and Punishments  
16 Section 111, 342, 342A, 348A, and 349  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume)

19 BY adding to  
20 Article - Transportation  
21 Section 16-204  
22 Annotated Code of Maryland  
23 (1992 Replacement Volume and 1996 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - Transportation  
26 Section 16-208(a)(1)  
27 Annotated Code of Maryland  
28 (1992 Replacement Volume and 1996 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
30 MARYLAND, That the Laws of Maryland read as follows:

2

1           **Article 27 - Crimes and Punishments**

2 111.

3           (a) Any person who shall wilfully and maliciously destroy, injure, deface or molest  
4 any real or personal property of another shall be deemed guilty of a misdemeanor.

5           (b) If the amount of damage to the property defaced, destroyed, injured, or  
6 molested has a value of less than \$300, the person who violates this section, on conviction,  
7 is subject to a fine not exceeding \$500 or imprisonment not exceeding 60 days or both.

8           (c) If the amount of damage to the property defaced, destroyed, injured, or  
9 molested has a value of \$300 or more, the person who violates this section, on conviction,  
10 is subject to a fine not exceeding \$2,500 or imprisonment not exceeding 3 years or both.

11           (D) THE COURT SHALL PROVIDE WRITTEN NOTICE TO THE MOTOR VEHICLE  
12 ADMINISTRATION OF ANY CONVICTION UNDER THIS SECTION INVOLVING THE  
13 DESTRUCTION, INJURING, DEFACING, OR MOLESTING OF A MOTOR VEHICLE.

14 342.

15           (a) A person commits the offense of theft when he willfully or knowingly obtains  
16 control which is unauthorized or exerts control which is unauthorized over property of the  
17 owner, and:

18                   (1) Has the purpose of depriving the owner of the property; or

19                   (2) Willfully or knowingly uses, conceals, or abandons the property in such  
20 manner as to deprive the owner of the property; or

21                   (3) Uses, conceals, or abandons the property knowing the use, concealment,  
22 or abandonment probably will deprive the owner of the property.

23           (b) A person commits the offense of theft when he willfully or knowingly uses  
24 deception to obtain and does obtain control over property of the owner, and[:]:

25                   (1) Has the purpose of depriving the owner of the property; or

26                   (2) Willfully or knowingly uses, conceals, or abandons the property in such  
27 manner as to deprive the owner of the property; or

28                   (3) Uses, conceals, or abandons the property knowing such use,  
29 concealment, or abandonment probably will deprive the owner of the property.

30           (c) (1) A person commits the offense of theft if he possesses stolen personal  
31 property knowing that it has been stolen, or believing that it has probably been stolen,  
32 and:

33                   (i) Has the purpose of depriving the owner of the property; or

34                   (ii) Willfully or knowingly uses, conceals, or abandons the property in  
35 such manner as to deprive the owner of the property; or

36                   (iii) Uses, conceals, or abandons the property knowing such use,  
37 concealment, or abandonment probably will deprive the owner of the property.

3

1 (2) The requisite knowledge may be inferred in the case of a person in the  
2 business of buying or selling goods who:

3 (i) Is found in possession or control of property stolen from two or  
4 more persons on separate occasions; or

5 (ii) During the year preceding the criminal possession charged, has  
6 acquired stolen property in a separate transaction; or

7 (iii) Being a person in the business of buying or selling property of the  
8 sort possessed, acquired it for a consideration which he knew was far below its reasonable  
9 value.

10 (3) In any prosecution for theft by possession of stolen property under this  
11 section, it is not a defense that:

12 (i) The person who stole the property has not been convicted,  
13 apprehended, or identified; or

14 (ii) The defendant stole or participated in the stealing of the property;  
15 or

16 (iii) The stealing of the property did not occur in this State.

17 (4) A person who criminally possesses stolen property and a person who has  
18 stolen the property are not accomplices in theft for the purpose of any rule of evidence  
19 requiring corroboration of the testimony of an accomplice, unless the person who  
20 criminally possesses the property had participated in the stealing.

21 (d) A person commits the offense of theft when he obtains control over property  
22 of another which he knows to have been lost or mislaid, or to have been delivered under  
23 a mistake as to the identity of the recipient or nature or amount of the property if he:

24 (1) Knows or learns the identity of the owner or knows, or is aware of, or  
25 learns of a reasonable method of identifying the owner; and

26 (2) Fails to take reasonable measures to restore the property to the owner;  
27 and

28 (3) Has the purpose of depriving the owner permanently of the use or  
29 benefit of the property either when he obtains the property, or at any later time.

30 (e) A person commits the offense of theft when he obtains the services of another  
31 which are available only for compensation by:

32 (1) Deception; or

33 (2) Knowing that the services are provided without the consent of the  
34 person providing them.

35 (f) (1) A person convicted of theft where the property or services that was the  
36 subject of the theft has a value of \$300 or greater is guilty of a felony and shall restore the  
37 property taken to the owner or pay him the value of the property or services, and be fined

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1 not more than \$1,000, or be imprisoned for not more than 15 years, or be both fined and  
2 imprisoned in the discretion of the court.

3 (2) A person convicted of theft where the property or services that was the  
4 subject of the theft has a value of less than \$300 is guilty of a misdemeanor and shall  
5 restore the property taken to the owner or pay him the value of the property or services,  
6 and be fined not more than \$500, or be imprisoned for not more than 18 months, or be  
7 both fined and imprisoned in the discretion of the court; however, all actions or  
8 prosecutions for theft where the property or services that was the subject of the theft has  
9 a value of less than \$300 shall be commenced within 2 years after the commission of the  
10 offense.

11 (G) THE COURT SHALL PROVIDE WRITTEN NOTICE TO THE MOTOR VEHICLE  
12 ADMINISTRATION OF ANY CONVICTION UNDER THIS SECTION INVOLVING THE  
13 THEFT OF A MOTOR VEHICLE.

14 342A.

15 (a) In this section, "owner" means any person who has a lawful interest in or is in  
16 lawful possession of a motor vehicle by consent or chain of consent of the actual title  
17 owner.

18 (b) A person, or the person's aiders or abettors, may not knowingly and willfully  
19 take a motor vehicle out of the lawful custody, control, or use of the owner without the  
20 owner's consent.

21 (c) A person who violates this section shall restore the motor vehicle so taken and  
22 carried away, or, if unable to do so, shall pay to the owner the full value of the motor  
23 vehicle.

24 (d) A person who violates this section is guilty of the felony of taking a motor  
25 vehicle and on conviction is subject to a fine of not more than \$5,000 or imprisonment for  
26 not more than 5 years or both.

27 (E) THE COURT SHALL PROVIDE WRITTEN NOTICE TO THE MOTOR VEHICLE  
28 ADMINISTRATION OF ANY CONVICTION UNDER THIS SECTION INVOLVING THE  
29 TAKING OF A MOTOR VEHICLE.

30 348A.

31 (a) In this section, "motor vehicle" has the meaning stated in § 11-135 of the  
32 Transportation Article.

33 (b) (1) An individual commits the offense of carjacking when the individual  
34 obtains unauthorized possession or control of a motor vehicle from another individual in  
35 actual possession by force or violence, or by putting that individual in fear through  
36 intimidation or threat of force or violence.

37 (2) An individual commits the offense of armed carjacking when the  
38 individual employs or displays a deadly or dangerous weapon during the commission of a  
39 carjacking.

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1 (c) An individual convicted of carjacking or armed carjacking is guilty of a felony  
2 and shall be sentenced to imprisonment for not more than 30 years.

3 (d) The sentence imposed under this section may be imposed separate from and  
4 consecutive to a sentence for any other offense arising from the conduct underlying the  
5 offenses of carjacking or armed carjacking.

6 (e) It is not a defense to the offense of carjacking or armed carjacking that the  
7 defendant did not intend to permanently deprive the owner of the motor vehicle.

8 (F) THE COURT SHALL PROVIDE WRITTEN NOTICE TO THE MOTOR VEHICLE  
9 ADMINISTRATION OF ANY CONVICTION UNDER THIS SECTION.

10 349.

11 (A) Any person or persons, his or their aiders or abettors who shall enter, or being  
12 upon the premises of any other person, body corporate or politic in the State, shall,  
13 against the will and consent of said person or persons, body corporate or politic or their  
14 agents, take and carry away any horse, mare, colt, gelding, mule, ass, sheep, hog, ox or  
15 cow, or any carriage, wagon, buggy, cart, boat, craft, vessel, or any other vehicle including  
16 motor vehicle as defined in the laws of this State relating to such, or property whatsoever,  
17 or take and carry away out of the custody or use of any person or persons, body corporate  
18 or politic, or his or their agents, any of the above-enumerated property at whatsoever  
19 place the same may be found, shall upon conviction thereof in any of the courts of this  
20 State having criminal jurisdiction be adjudged guilty of a misdemeanor, and shall restore  
21 the property so taken and carried away, or, if unable so to do, shall pay to the owner or  
22 owners the full value thereof, and be fined not less than fifty nor more than one hundred  
23 dollars, or be imprisoned in the county or city jail, or the house of correction, for not less  
24 than six months nor more than four years, or be both fined and imprisoned as aforesaid,  
25 in the discretion of the court, although it may appear from the evidence that such person  
26 or persons, his or their aiders and abettors, took and carried away the property or any  
27 portion of the same enumerated in this section, for his or their present use, and not with  
28 the intent of appropriating or converting the same.

29 (B) THE COURT SHALL PROVIDE WRITTEN NOTICE TO THE MOTOR VEHICLE  
30 ADMINISTRATION OF ANY CONVICTION UNDER THIS SECTION INVOLVING THE  
31 TAKING AND CARRYING AWAY OF A MOTOR VEHICLE.

32 **Article - Transportation**

33 16-204.

34 (A) IN THIS SECTION, "MOTOR VEHICLE OFFENSE" MEANS:

35 (1) MALICIOUSLY DESTROYING, INJURING, DEFACING, OR MOLESTING  
36 A MOTOR VEHICLE IN VIOLATION OF ARTICLE 27, § 111 OF THE CODE;

37 (2) THEFT OF A MOTOR VEHICLE IN VIOLATION OF ARTICLE 27, § 342 OF  
38 THE CODE;

39 (3) TAKING A MOTOR VEHICLE IN VIOLATION OF ARTICLE 27, § 342A OF  
40 THE CODE;

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1 (4) CARJACKING IN VIOLATION OF ARTICLE 27, § 348A OF THE CODE;  
2 AND

3 (5) TAKING AND CARRYING AWAY A MOTOR VEHICLE IN VIOLATION OF  
4 ARTICLE 27, § 349 OF THE CODE.

5 (B) THE ADMINISTRATION SHALL REFUSE TO ISSUE A LICENSE TO ANY  
6 PERSON UNDER 18 YEARS OF AGE WHO HAS BEEN CONVICTED OF A MOTOR  
7 VEHICLE OFFENSE.

8 (C) (1) THE ADMINISTRATION SHALL SUSPEND THE LICENSE OF ANY  
9 PERSON WHO IS CONVICTED OF A MOTOR VEHICLE OFFENSE FOR AT LEAST 1 YEAR.

10 (2) THE ADMINISTRATION MAY NOT REINSTATE A LICENSE THAT HAS  
11 BEEN SUSPENDED UNDER THIS SECTION UNTIL THE ADMINISTRATION RECEIVES  
12 NOTICE FROM THE COURT THAT THE PERSON SEEKING REINSTATEMENT OF THE  
13 LICENSE HAS SATISFIED ALL OF THE CONDITIONS OF PROBATION OR COMPLETED  
14 ANY SENTENCE.

15 (D) A PERSON WHO DRIVES A MOTOR VEHICLE WHILE THE PERSON'S  
16 LICENSE IS SUSPENDED UNDER SUBSECTION (C) OF THIS SECTION IS GUILTY OF A  
17 MISDEMEANOR AND ON CONVICTION SHALL BE SUBJECT TO IMPRISONMENT FOR  
18 NOT LESS THAN 1 YEAR AND NOT MORE THAN 5 YEARS AND:

19 (1) IT IS MANDATORY ON THE COURT TO IMPOSE NO LESS THAN THE  
20 MINIMUM SENTENCE OF 1 YEAR;

21 (2) EXCEPT AS PROVIDED IN ARTICLE 31B, § 11 OF THE CODE, THE  
22 PERSON IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 1 YEAR; AND

23 (3) THE MANDATORY MINIMUM 1 YEAR SENTENCE MAY NOT BE  
24 SUSPENDED.

25 16-208.

26 (a) (1) Except as provided in paragraph (2) of this subsection, [§ 16-206(b)] §§  
27 16-204 AND 16-206(B) of this subtitle, and § 16-404(c)(2) and (3) of this title, the  
28 Administration may not suspend a license or privilege to drive for a period of more than  
29 1 year.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 1997.