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By: **Delegates Brown and Doory (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 4, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Carjacking - Possessor of Motor Vehicle**

3 FOR the purpose of establishing that it is not a defense to the crimes of carjacking or  
4 armed carjacking for a defendant to not intend to permanently deprive the  
5 possessor of a motor vehicle of the possession of the motor vehicle; and generally  
6 relating to carjacking and armed carjacking.

7 BY repealing and reenacting, with amendments,  
8 Article - Criminal Law  
9 Section 3-405  
10 Annotated Code of Maryland  
11 (2002 Volume and 2003 Supplement)

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

14 **Article - Criminal Law**

15 3-405.

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

18 (b) (1) An individual may not take unauthorized possession or control of a  
19 motor vehicle from another individual who actually possesses the motor vehicle, by  
20 force or violence, or by putting that individual in fear through intimidation or threat  
21 of force or violence.

22 (2) A violation of this subsection is carjacking.

23 (c) (1) A person may not employ or display a dangerous weapon during the  
24 commission of a carjacking.

25 (2) A violation of this subsection is armed carjacking.

1 (d) A person who violates this section is guilty of a felony and on conviction is  
2 subject to imprisonment not exceeding 30 years.

3 (e) A sentence imposed under this section may be separate from and  
4 consecutive to a sentence for any other crime that arises from the conduct underlying  
5 the carjacking or armed carjacking.

6 (f) It is not a defense under this section that the defendant did not intend TO  
7 permanently [to] deprive the owner OR POSSESSOR of the motor vehicle.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect October 1, 2004.