

HOUSE BILL 578

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2004 Regular Session
4r1889
CF 4r1137

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

Introduced and read first time: February 4, 2004

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 2, 2004

CHAPTER _____

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.

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

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

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

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

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

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

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