

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 203

(Senators Stone and Giannetti)

(Committee to Revise Article 27 – Crimes and Punishments)

Judicial Proceedings

Judiciary

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

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This bill establishes that it is not a defense to the crimes of carjacking or armed carjacking that a defendant did not intend to permanently deprive the possessor of the motor vehicle of the motor vehicle.

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**Fiscal Summary**

**State Effect:** None. The provisions of this bill should not affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under the State's prohibition against carjacking, a person is prohibited from taking unauthorized possession or control of a motor vehicle from another person who actually possesses the motor vehicle, by force or violence, or by putting that person in fear through intimidation or threat of force or violence. Under the State's prohibition against armed carjacking, a person may not commit carjacking using or displaying a dangerous weapon during the commission of the crime.

A violator of either offense is guilty of a felony and subject to a maximum imprisonment penalty of 30 years. A sentence imposed for this offense may be separate from and

consecutive to a sentence for any other crime that arises from the conduct underlying the carjacking or armed carjacking.

It is not a defense to the crimes of carjacking or armed carjacking for a defendant to not intend to permanently deprive the owner of the motor vehicle of the motor vehicle.

**Background:** The Criminal Law Article Review Committee notes that, while the current statutory prohibitions against carjacking or armed carjacking refers to possession of the vehicle, the specific exclusion of a defense relating to intent refers to ownership of the vehicle. This bill attempts to reconcile those references. In addition, the committee notes that there is no difference between the penalties that may be imposed for carjacking or armed carjacking.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 578 (Delegates Brown and Doory) (Commission to Revise Article 27 – Crimes and Punishments) – Judiciary.

**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction, Division of Parole and Probation), Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2004  
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Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510