

HOUSE BILL 990

E1

9lr0523

By: **Delegates Conaway, Anderson, and Carr**
Introduced and read first time: February 13, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Carjacking – Electric Personal Assistive Mobility Devices,**
3 **Mopeds, and Motor Scooters**

4 FOR the purpose of adding electric personal assistive mobility devices, mopeds, and
5 motor scooters to the prohibition against carjacking; defining certain terms; and
6 generally relating to carjacking and electric personal assistive mobility devices,
7 mopeds, and motor scooters.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–405
11 Annotated Code of Maryland
12 (2002 Volume and 2008 Supplement)

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

15 **Article – Criminal Law**

16 3–405.

17 (a) (1) In this [section,] SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (2) “ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE” HAS THE
20 MEANING STATED IN § 21–101 OF THE TRANSPORTATION ARTICLE.

21 (3) “MOPED” HAS THE MEANING STATED IN § 11–134.1 OF THE
22 TRANSPORTATION ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) **“MOTOR SCOOTER” HAS THE MEANING STATED IN § 11-134.4**
2 **OF THE TRANSPORTATION ARTICLE.**

3 (5) [“motor] **“MOTOR vehicle”** has the meaning stated in § 11-135 of
4 the Transportation Article.

5 (b) (1) An individual may not take unauthorized possession or control of
6 **AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, A MOPED, A MOTOR**
7 **SCOOTER, OR** a motor vehicle from another individual who actually possesses the
8 **ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, MOPED, MOTOR SCOOTER,**
9 **OR** motor vehicle, by force or violence, or by putting that individual in fear through
10 intimidation or threat of force or violence.

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

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

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

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

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

20 (f) It is not a defense under this section that the defendant did not intend to
21 permanently deprive the owner or possessor of the **ELECTRIC PERSONAL ASSISTIVE**
22 **MOBILITY DEVICE, MOPED, MOTOR SCOOTER, OR** motor vehicle.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2009.