

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

House Bill 990  
Judiciary

(Delegate Conaway, *et al.*)

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**Criminal Law - Carjacking - Electric Personal Assistive Mobility Devices,  
Mopeds, and Motor Scooters**

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This bill adds electric personal assistance mobility devices, mopeds, and motor scooters to the existing prohibition against carjacking, which is a felony offense subjecting a violator to a maximum imprisonment term of 30 years.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures due to application of existing incarceration penalty provisions to the bill's expanded scope for the crime of carjacking.

**Local Effect:** It is assumed that any increase in carjacking cases in the circuit courts can be handled with existing budgeted resources

**Small Business Effect:** None.

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**Analysis**

**Current Law:** "Motor vehicle" means a vehicle that is self-propelled or propelled by electric power from overhead electric wires and is not operated on rails. Motor vehicle does not include a moped or motor scooter.

"Moped" means a bicycle that: (1) is designed to be operated by human power with the assistance of a motor; (2) is equipped with pedals that mechanically drive the rear wheel or wheels; (3) has two or three wheels, of which one is more than 14 inches in diameter; and (4) has a motor with a rating of 1.5 brake horsepower or less and, if the motor is an

internal combustion engine, a capacity of 50 cubic centimeters piston displacement or less.

A “motor scooter” is has two wheels, one of which is 10 inches or more in diameter. It is a nonpedal vehicle with automatic transmission, a seat, and a step-through chassis. A motor scooter motor has a rating of 2.7 horsepower or less or, if the motor is an internal combustion engine, it has a capacity of 50 cc or less. Motorcycles, all-terrain vehicles, other vehicles made for off-road use are not considered motor scooters.

“Electric personal assistive mobility device” or “EPAMD” means a pedestrian device that: (1) has two nontandem wheels; (2) is self-balancing; (3) is powered by an electric propulsion system; (4) has a maximum speed capability of 15 miles per hour; and (5) is designed to transport one person.

Under the State’s prohibition against carjacking, a person may not take 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 individual in fear through intimidation or threat of force or violence. Under the State’s prohibition against armed carjacking, a person may not employ or display a dangerous weapon during the commission of a carjacking. A violator of either offense is guilty of a felony and subject to a maximum imprisonment term of 30 years. A sentence for either 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 that the defendant did not intend to permanently deprive the owner or possessor of the motor vehicle.

**Background:** According to Maryland’s *Motor Vehicle Robbery (Carjacking) Report* for 2007, there were 853 carjackings reported statewide in calendar 2007, which is a 12% decrease from 2006. Data on the theft or robbery of electric personal assistance mobility devices, mopeds, and motor scooters is not included in carjacking or other crime report data.

**State Expenditures:** General fund expenditures may increase minimally as a result of the bill’s expanded scope for the crime of carjacking due to more people being committed to Division of Correction (DOC) facilities. The number of people convicted under the bill’s provisions is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC

inmate (including variable medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 per month.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Commission on Criminal Sentencing Policy, Governor's Office of Crime Control and Prevention, Judiciary (Administrative Office of the Courts), Montgomery County, Department of State Police, Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2009  
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