

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

Article 27 - Crimes and Punishments

348A.

(A) IN THIS SECTION, "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11-135 OF THE TRANSPORTATION ARTICLE.

(B) (1) AN INDIVIDUAL COMMITS THE OFFENSE OF CARJACKING WHEN THE INDIVIDUAL OBTAINS UNAUTHORIZED POSSESSION OR CONTROL OF A MOTOR VEHICLE FROM ANOTHER INDIVIDUAL IN ACTUAL POSSESSION BY FORCE OR VIOLENCE, OR BY PUTTING THAT INDIVIDUAL IN FEAR THROUGH INTIMIDATION OR THREAT OF FORCE OR VIOLENCE.

(2) AN INDIVIDUAL COMMITS THE OFFENSE OF ARMED CARJACKING WHEN THE INDIVIDUAL EMPLOYS OR DISPLAYS A DEADLY OR DANGEROUS WEAPON DURING THE COMMISSION OF A CARJACKING.

(C) ~~(1)~~ AN INDIVIDUAL CONVICTED OF CARJACKING OR ARMED CARJACKING IS GUILTY OF A FELONY AND ON CONVICTION SHALL BE SENTENCED TO IMPRISONMENT FOR ~~NOT LESS THAN 15 YEARS AND~~ NOT MORE THAN 30 YEARS.

~~(2) FOR AN INDIVIDUAL CONVICTED OF ARMED CARJACKING, IT IS MANDATORY UPON THE COURT TO IMPOSE NOT LESS THAN THE MINIMUM SENTENCE OF 15 YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON MAY NOT BE ELIGIBLE FOR PAROLE IN LESS THAN 15 YEARS EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 31B, § 11 OF THE CODE.~~

(D) THE SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY OTHER OFFENSE ARISING FROM THE CONDUCT UNDERLYING THE OFFENSES OF CARJACKING OR ARMED CARJACKING.

(E) IT IS NOT A DEFENSE TO THE OFFENSE OF CARJACKING OR ARMED CARJACKING THAT THE DEFENDANT DID NOT INTEND TO PERMANENTLY DEPRIVE THE OWNER OF THE MOTOR VEHICLE.

413.

(a) If a person is found guilty of murder in the first degree, and if the State had given the notice required under § 412(b), a separate sentencing proceeding shall be conducted as soon as practicable after the trial has been completed to determine whether he shall be sentenced to death.

(c) (1) The following type of evidence is admissible in this proceeding:

(i) Evidence relating to any mitigating circumstance listed in subsection (g) of this section;