

(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) ~~(H)~~ AN INDIVIDUAL CONVICTED OF CARJACKING OR ARMED CARJACKING IS GUILTY OF A FELONY AND 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 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;

(ii) Evidence relating to any aggravating circumstance listed in subsection (d) of this section of which the State had notified the defendant pursuant to § 412(b) of this article;

(iii) Evidence of any prior criminal convictions, pleas of guilty or nolo contendere, or the absence of such prior convictions or pleas, to the same extent admissible in other sentencing procedures;

(iv) Any presentence investigation report. However, any recommendation as to sentence contained in the report is not admissible; and

(v) Any other evidence that the court deems of probative value and relevant to sentence, provided the defendant is accorded a fair opportunity to rebut any statements.

(2) The State and the defendant or his counsel may present argument for or against the sentence of death.