

(B) DETERMINATION OF VALUE.

IF A CHARGING DOCUMENT ALLEGES THAT THE VALUE OF THE PROPERTY OR SERVICE SUBJECT TO THIS SUBTITLE IS \$500 OR MORE, THE COURT SHALL INSTRUCT THE JURY TO DETERMINE WHETHER THE VALUE OF THE PROPERTY OR SERVICE IS LESS THAN \$500, OR \$500 OR MORE.

(C) THEFT AS LESSER INCLUDED CRIME.

UNLESS A CHARGING DOCUMENT ALLEGES THAT THE VALUE OF THE PROPERTY OR SERVICE SUBJECT TO THIS SUBTITLE IS \$500 OR MORE, A FELONY VIOLATION OF § 7-104 OF THIS ARTICLE IS NOT A LESSER INCLUDED CRIME OF ROBBERY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 488.

In subsection (a) of this section, the former reference to a "deadly" weapon is deleted as included in the reference to a "dangerous" weapon.

Also in subsection (a) of this section, the former archaic phrase "contrary to the form of the act of assembly in such case made and provided" is deleted as surplusage.

In subsection (c) of this section, the reference to a lesser included "crime" is substituted for the former reference to a lesser included "offense" for consistency within this article. See General Revisor's Note to article.

Defined terms: "County" § 1-101

"Property" § 3-401

"Robbery" § 3-401

"Service" § 3-401

3-405. CARJACKING.

(A) "MOTOR VEHICLE" DEFINED.

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

(B) PROHIBITED — CARJACKING.

(1) AN INDIVIDUAL MAY NOT TAKE UNAUTHORIZED POSSESSION OR CONTROL OF A MOTOR VEHICLE FROM ANOTHER INDIVIDUAL 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.

(2) A VIOLATION OF THIS SUBSECTION IS CARJACKING.

(C) SAME — ARMED CARJACKING.

(1) A PERSON MAY NOT EMPLOY OR DISPLAY A DANGEROUS WEAPON DURING THE COMMISSION OF A CARJACKING.