

(2) A VIOLATION OF THIS SUBSECTION IS ARMED CARJACKING.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.

(E) SENTENCING.

A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY OTHER CRIME THAT ARISES FROM THE CONDUCT UNDERLYING THE CARJACKING OR ARMED CARJACKING.

(F) PROHIBITED DEFENSE.

IT IS NOT A DEFENSE UNDER THIS SECTION THAT THE DEFENDANT DID NOT INTEND PERMANENTLY TO DEPRIVE THE OWNER OF THE MOTOR VEHICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 348A.

In subsection (c)(1) of this section, the former reference to a "deadly" weapon is deleted as included in the reference to a "dangerous" weapon.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that while subsections (b)(1) and (c)(1) of this section prohibit taking a motor vehicle from "another individual who actually possesses" the vehicle, subsection (f) of this section prohibits a defense relating to depriving "the owner" of the vehicle. The General Assembly may wish to consider whether these provisions should be reconciled to refer to the same individual, either the "individual who actually possesses" the vehicle, or the vehicle owner.

The Criminal Law Article Review Committee also notes, for the consideration of the General Assembly, that there is no difference between the penalty imposed for carjacking and the penalty imposed for armed carjacking.

Defined terms: "Deprive" § 3-401  
"Person" § 1-101

#### SUBTITLE 5. KIDNAPPING.

3-501. "HOME OR USUAL PLACE OF ABODE" DEFINED.

IN THIS SUBTITLE, "HOME OR USUAL PLACE OF ABODE" INCLUDES THE REAL PROPERTY APPURTENANT TO THE HOME OR PLACE OF ABODE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from the second sentence of former Art. 27, § 2.

The former reference to a "house" is deleted for brevity.