

Table of Contents

SUMMARY TABLE..... 2

CALIFORNIA..... 6

FLORIDA 8

GEORGIA 14

ILLINOIS 16

LOUISIANA..... 19

MARYLAND..... 20

MASSACHUSETTS 21

MICHIGAN..... 22

MINNESOTA..... 23

MISSISSIPPI..... 24

MISSOURI 25

NEW JERSEY..... 27

PENNSYLVANIA..... 28

RHODE ISLAND..... 29

SOUTH CAROLINA..... 30

TENNESSEE..... 31

UTAH..... 34

VIRGINIA 35

WISCONSIN 36

SUMMARY TABLE

| State | Armed Penalties | Statutes | Unarmed Penalties | Statutes |
|----------------------------|--|---|---|------------------------------------|
| Alabama | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Alaska | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Arizona | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Arkansas | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| California | Highest Max: 25 to Life <i>(discharge firearm with serious bodily injury or death)</i> | §§ 215; 12022.53(a)(5), (d) | Highest Max: 9 years <i>(force/threats)</i> Lowest Max: 9 years <i>(force/threats)</i> | § 215 |
| Colorado | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Connecticut | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Delaware | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Florida | Highest Max: Life <i>(carried deadly weapon)</i> | §§ 812.133(2)(a); 775.082(3)(b)(1) | Highest Max: 30 years <i>(force/fear)</i> Lowest Max: 30 years <i>(force/fear)</i> | §§ 812.133(2)(b); 775.082(3)(b)(1) |
| Georgia | Highest Max: 20 years <i>(possess weapon)</i> | § 16-5-44.1(b)(1), (c)(1) | Highest Max: 10 years <i>(without consent)</i> Lowest Max: 10 years <i>(without consent)</i> | § 16-5-44.1(b)(2), (c)(2) |
| Hawaii | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Idaho | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Illinois | Highest Max: 55 to Life <i>(discharge firearm with serious bodily injury or death)</i> | 720 - 5/18-2(a)(4), (b); 730 - 5/5-4.5-25(a)) | Highest Max: 15 years <i>(force/threat of force)</i> Lowest Max: 15 years <i>(force/threat of force)</i> | 720 - 5/18-3; 730 - 5/5-4.5-30(a) |
| Indiana | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Iowa | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Kansas | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Kentucky | <i>Same as robbery</i> | | <i>Same as robbery</i> | |

| State | Armed Penalties | Statutes | Unarmed Penalties | Statutes |
|-------------------------------|---|----------------------|---|--|
| Louisiana | Highest Max: 20 years | § 14:64.2(A), (B)(1) | Highest Max: 30 years <i>(serious bodily injury)</i> Lowest Max: 20 years <i>(force/intimidation)</i> | § 14:64.2(A), (B)(2) § 14:64.2(A), (B)(1) |
| Maine | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Maryland | Highest Max: 30 years <i>(use or display dangerous weapon)</i> | § 3-405(c), (d) | Highest Max: 30 years <i>(force/violence/threat)</i> Lowest Max: 30 years <i>(force/violence/threat)</i> | § 3-405(b), (d) |
| Massachusetts | Highest Max: 20 years <i>(armed with dangerous weapon)</i> | ch. 265, § 21A | Highest Max: 15 years <i>(fear)</i> Lowest Max: 15 years <i>(fear)</i> | ch. 265, § 21A |
| Michigan | Highest Max: Life | § 750.529a | Highest Max: Life <i>(force/fear)</i> Lowest Max: Life <i>(force/fear)</i> | § 750.529a |
| Minnesota | Highest Max: 20 years <i>(armed with dangerous weapon)</i> | § 609.247(2) | Highest Max: 20 years <i>(bodily injury)</i> Lowest Max: 10 years <i>(force/threat of force)</i> | § 609.247(1)(b), (2) § 609.247(1)(b), (4) |
| Mississippi | Highest Max: 30 years <i>(armed with or readily available dangerous weapon)</i> | §§ 97-3-115; 117(2) | Highest Max: 15 years <i>(force/fear)</i> Lowest Max: 15 years <i>(force/fear)</i> | §§ 97-3-115; 117(1) |

| State | Armed Penalties | Statutes | Unarmed Penalties | Statutes |
|------------------------------|---|---|---|---|
| Missouri | Highest Max: Life <i>(armed with deadly weapon)</i> | §§ 570.027(1), (3)(2); 558.011(1)(1) | Highest Max: Life <i>(serious bodily injury)</i> Lowest Max: 15 years <i>(force/threat of force)</i> | §§ 570.027(1), (3)(1); 558.011(1)(1) §§ 570.027(1), (2); 558.011(1)(2) |
| Montana | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Nebraska | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Nevada | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| New Hampshire | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| New Jersey | Highest Max: 30 years <i>(force/threaten or inflict bodily injury)</i> | § 2C:15-2 | Highest Max: 30 years <i>(force/threaten or inflict bodily injury)</i> Lowest Max: 30 years <i>(force/threaten or inflict bodily injury)</i> | § 2C:15-2(a)(1), (b) |
| New Mexico | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| New York | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| North Carolina | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| North Dakota | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Ohio | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Oklahoma | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Oregon | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Pennsylvania | Highest Max: 20 years <i>(steals/takes from presence)</i> | 18 - §§ 3702; 1103(1) | Highest Max: 20 years <i>(steals/takes from presence)</i> Lowest Max: 20 years <i>(steals/takes from presence)</i> | 18 - §§ 3702; 1103(1) |
| Rhode Island | Highest Max: Life <i>(use/threaten to use deadly weapon with serious bodily injury)</i> | § 11-39-2(a) | Highest Max: 30 years <i>(force/threat of force)</i> Lowest Max: 30 years <i>(force/threat of force)</i> | § 11-39-2(b) |

| State | Armed Penalties | Statutes | Unarmed Penalties | Statutes |
|--------------------------------|---|---|---|--|
| South Carolina | Highest Max: 20 years | § 16-3-1075 | Highest Max: 30 years <i>(serious bodily injury)</i> Lowest Max: 20 years <i>(force/violence/intimidation)</i> | § 16-3-1075 § 16-3-1075(B)(1) |
| South Dakota | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Tennessee | Highest Max: 12 years <i>(use deadly weapon)</i> | §§ 39-13-404(a)(1); (b) 40-35-105(a), (b); 40-35-112(a)(2); 40-35-210(c) | Highest Max: 12 years <i>(force/intimidation)</i> Lowest Max: 12 years <i>(force/intimidation)</i> | §§ 39-13-404(a)(2), (b); 40-35-105(a), (b); 40-35-112(a)(2); 40-35-210(c) |
| Texas | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Utah | Highest Max: Life <i>(force/fear)</i> | §§ 76-6-302(2)(c), (3); 76-3-203(1) | Highest Max: Life <i>(force/fear)</i> Lowest Max: Life <i>(force/fear)</i> | §§ 76-6-302(2)(c), (3); 76-3-203(1) |
| Vermont | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Virginia | Highest Max: Life <i>(threaten/display deadly weapon)</i> | § 18.2-58.1 | Highest Max: Life <i>(violence/fear of serious bodily injury)</i> Lowest Max: Life <i>(violence/fear of serious bodily injury)</i> | § 18.2-58.1 |
| Washington | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| West Virginia | <i>Same as robbery</i> | | <i>Same as robbery</i> | |
| Wisconsin | Highest Max: 60 years <i>(possess dangerous weapon)</i> | §§ 943.231(1); 939.50(3)(b) | Highest Max: 15 years <i>(force/threat of force)</i> Lowest Max: 15 years <i>(force/threat of force)</i> | §§ 943.231(2); 939.50(3)(e) |
| Wyoming | <i>Same as robbery</i> | | <i>Same as robbery</i> | |

CALIFORNIA

Cal. Penal Code § 215

(a) “Carjacking” is the felonious taking of a motor vehicle in the possession of another, from his or her person or immediate presence, or from the person or immediate presence of a passenger of the motor vehicle, against his or her will and with the intent to either permanently or temporarily deprive the person in possession of the motor vehicle of his or her possession, accomplished by means of force or fear.

(b) Carjacking is punishable by imprisonment in the state prison for a term of **three, five, or nine years**.

(c) This section shall not be construed to supersede or affect Section 211. A person may be charged with a violation of this section and Section 211. However, no defendant may be punished under this section and Section 211 for the same act which constitutes a violation of both this section and Section 211.

Cal. Penal Code § 12022.53

(a) This section applies to the following felonies:

- (1) Section 187 (murder).
- (2) Section 203 or 205 (mayhem).
- (3) Section 207, 209, or 209.5 (kidnapping).
- (4) Section 211 (robbery).
- (5) Section 215 (carjacking).
- (6) Section 220 (assault with intent to commit a specified felony).
- (7) Subdivision (d) of Section 245 (assault with a firearm on a peace officer or firefighter).
- (8) Section 261 or former Section 262 (rape).
- (9) Section 264.1 (rape or sexual penetration in concert).
- (10) Section 286 (sodomy).
- (11) Section 287 or former Section 288a (oral copulation).
- (12) Section 288 or 288.5 (lewd act on a child).
- (13) Section 289 (sexual penetration).
- (14) Section 4500 (assault by a life prisoner).
- (15) Section 4501 (assault by a prisoner).
- (16) Section 4503 (holding a hostage by a prisoner).
- (17) Any felony punishable by death or imprisonment in the state prison for life.
- (18) Any attempt to commit a crime listed in this subdivision other than an assault.

(b) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), personally uses a firearm, shall be punished by an additional and consecutive term of imprisonment in the state prison for 10 years. The firearm need not be operable or loaded for this enhancement to apply.

(c) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), personally and intentionally discharges a firearm, shall be punished by an additional and consecutive term of imprisonment in the state prison for 20 years.

(d) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), Section 246, or subdivision (c) or (d) of Section 26100, personally and intentionally discharges a firearm and proximately causes great bodily injury, as defined

in Section 12022.7, or death, to a person other than an accomplice, shall be punished by an additional and consecutive term of imprisonment in the state prison for 25 years to life.

(e)(1) The enhancements provided in this section shall apply to any person who is a principal in the commission of an offense if both of the following are pled and proved:

(A) The person violated subdivision (b) of Section 186.22.

(B) Any principal in the offense committed any act specified in subdivision (b), (c), or (d).

(2) An enhancement for participation in a criminal street gang pursuant to Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1 shall not be imposed on a person in addition to an enhancement imposed pursuant to this subdivision, unless the person personally used or personally discharged a firearm in the commission of the offense.

(f) Only one additional term of imprisonment under this section shall be imposed per person for each crime. If more than one enhancement per person is found true under this section, the court shall impose upon that person the enhancement that provides the longest term of imprisonment. An enhancement involving a firearm specified in Section 12021.5, 12022, 12022.3, 12022.4, 12022.5, or 12022.55 shall not be imposed on a person in addition to an enhancement imposed pursuant to this section. An enhancement for great bodily injury as defined in Section 12022.7, 12022.8, or 12022.9 shall not be imposed on a person in addition to an enhancement imposed pursuant to subdivision (d).

(g) Notwithstanding any other law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, a person found to come within the provisions of this section.

(h) The court may, in the interest of justice pursuant to Section 1385 and at the time of sentencing, strike or dismiss an enhancement otherwise required to be imposed by this section. The authority provided by this subdivision applies to any resentencing that may occur pursuant to any other law.

(i) The total amount of credits awarded pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 or pursuant to Section 4019 or any other law shall not exceed 15 percent of the total term of imprisonment imposed on a defendant upon whom a sentence is imposed pursuant to this section.

(j) For the penalties in this section to apply, the existence of any fact required under subdivision (b), (c), or (d) shall be alleged in the accusatory pleading and either admitted by the defendant in open court or found to be true by the trier of fact. When an enhancement specified in this section has been admitted or found to be true, the court shall impose punishment for that enhancement pursuant to this section rather than imposing punishment authorized under any other law, unless another enhancement provides for a greater penalty or a longer term of imprisonment.

(k) When a person is found to have used or discharged a firearm in the commission of an offense that includes an allegation pursuant to this section and the firearm is owned by that person, a coparticipant, or a coconspirator, the court shall order that the firearm be deemed a nuisance and disposed of in the manner provided in Sections 18000 and 18005.

(l) The enhancements specified in this section shall not apply to the lawful use or discharge of a firearm by a public officer, as provided in Section 196, or by any person in

lawful self-defense, lawful defense of another, or lawful defense of property, as provided in Sections 197, 198, and 198.5.

FLORIDA

Fla. Stat. Ann. § 812.133

(1) “Carjacking” means the taking of a motor vehicle which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the motor vehicle, when in the course of the taking there is the use of force, violence, assault, or putting in fear.

(2)(a) If in the course of committing the carjacking the offender carried a firearm or other deadly weapon, then the carjacking is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If in the course of committing the carjacking the offender carried no firearm, deadly weapon, or other weapon, then the carjacking is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) An act shall be deemed “in the course of committing the carjacking” if it occurs in an attempt to commit carjacking or in flight after the attempt or commission.

(b) An act shall be deemed “in the course of the taking” if it occurs either prior to, contemporaneous with, or subsequent to the taking of the property and if it and the act of taking constitute a continuous series of acts or events.

Fla. Stat. Ann. § 775.082

(1)(a) Except as provided in paragraph (b), a person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in a determination that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(b) 1. A person who actually killed, intended to kill, or attempted to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age shall be punished by a term of imprisonment for life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. If the court finds that life imprisonment is not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years. A person sentenced pursuant to this subparagraph is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(a).

2. A person who did not actually kill, intend to kill, or attempt to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. A person

who is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

3. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(a) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a) 1. For a life felony committed before October 1, 1983, by a term of imprisonment for life or for a term of at least 30 years.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4. a. Except as provided in sub-subparagraph b., for a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b), by:

(I) A term of imprisonment for life; or

(II) A split sentence that is a term of at least 25 years' imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

b. For a life felony committed on or after July 1, 2008, which is a person's second or subsequent violation of s. 800.04(5)(b), by a term of imprisonment for life.

5. Notwithstanding subparagraphs 1.-4., a person who is convicted under s. 782.04 of an offense that was reclassified as a life felony which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more

than 25 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(b).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

6. For a life felony committed on or after October 1, 2014, which is a violation of s. 787.06(3)(g), by a term of imprisonment for life.

(b) 1. For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

2. Notwithstanding subparagraph 1., a person convicted under s. 782.04 of a first degree felony punishable by a term of years not exceeding life imprisonment, or an offense that was reclassified as a first degree felony punishable by a term of years not exceeding life, which was committed before the person attained 18 years of age may be punished by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(b).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(c) Notwithstanding paragraphs (a) and (b), a person convicted of an offense that is not included in s. 782.04 but that is an offense that is a life felony or is punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, or an offense that was reclassified as a life felony or an offense punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or a term of years equal

to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 20 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(d).

(d) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.

(e) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

(5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

(8)(a) The sentencing guidelines that were effective October 1, 1983, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1983, and before January 1, 1994, and to all felonies, except capital felonies and life felonies, committed before October 1, 1983, when the defendant affirmatively selects to be sentenced pursuant to such provisions.

(b) The 1994 sentencing guidelines, that were effective January 1, 1994, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after January 1, 1994, and before October 1, 1995.

(c) The 1995 sentencing guidelines that were effective October 1, 1995, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1995, and before October 1, 1998.

(d) The Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision.

(e) Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the sentencing guidelines or the Criminal Punishment Code in effect on the beginning date of the criminal activity.

(9)(a) 1. “Prison releasee reoffender” means any defendant who commits, or attempts to commit:

- a. Treason;
- b. Murder;
- c. Manslaughter;
- d. Sexual battery;
- e. Carjacking;
- f. Home-invasion robbery;
- g. Robbery;
- h. Arson;
- i. Kidnapping;
- j. Aggravated assault with a deadly weapon;
- k. Aggravated battery;
- l. Aggravated stalking;
- m. Aircraft piracy;
- n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- o. Any felony that involves the use or threat of physical force or violence against an individual;
- p. Armed burglary;
- q. Burglary of a dwelling or burglary of an occupied structure; or
- r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5);

within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. “Prison releasee reoffender” also means any defendant who commits or attempts to commit any offense listed in sub-subparagraphs (a)1.a.--r. while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

- a. For a felony punishable by life, by a term of imprisonment for life;

b. For a felony of the first degree, by a term of imprisonment of 30 years;

c. For a felony of the second degree, by a term of imprisonment of 15 years; and

d. For a felony of the third degree, by a term of imprisonment of 5 years.

(b) A person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.

(c) Nothing in this subsection shall prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to s. 775.084 or any other provision of law.

(d) 1. It is the intent of the Legislature that offenders previously released from prison or a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

(10) If a defendant is sentenced for an offense committed on or after July 1, 2009, which is a third degree felony but not a forcible felony as defined in s. 776.08, and excluding any third degree felony violation under chapter 810, and if the total sentence points pursuant to s. 921.0024 are 22 points or fewer, the court must sentence the offender to a nonstate prison sanction. However, if the court makes written findings that a nonstate prison sanction could present a danger to the public, the court may sentence the offender to a state correctional facility pursuant to this section.

(11) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

GEORGIA

Ga. Code Ann. § 16-5-44.1

(a) As used in this Code section:

(1) “Firearm” means any handgun, rifle, shotgun, or similar device or weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge and includes stun guns and tasers as defined by subsection (a) of Code Section 16-11-106, as amended, and any replica, article, or device having the appearance of a firearm.

(2) “Motor vehicle” means any vehicle which is self-propelled.

(3) “Weapon” means an object, device, or instrument which when used against a person is likely to or actually does result in serious bodily injury or death or any replica, article, or device having the appearance of such a weapon including, but not limited to, any object defined as a hazardous object by Code Section 20-2-751 or as a dangerous weapon by Code Section 16-11-121.

(b)(1) A person commits the offense of hijacking a motor vehicle in the first degree when such person while in possession of a firearm or weapon obtains a motor vehicle from an individual or the presence of another individual by force and violence or intimidation or attempts or conspires to do so.

(2) A person commits the offense of hijacking a motor vehicle in the second degree when such person obtains a motor vehicle from an individual without his or her consent or from the immediate presence of another individual without his or her consent or attempts or conspires to do so.

(c)(1) A person convicted of the offense of hijacking a motor vehicle in the first degree shall be punished by imprisonment for not less than ten nor more than 20 years and a fine of not less than \$10,000.00 nor more than \$100,000.00, provided that any person who has previously committed an offense under the laws of the United States or of Georgia or of any of the several states or of any foreign nation recognized by the United States which if committed in Georgia would have constituted the offense of hijacking a motor vehicle shall be punished by imprisonment for life and a fine of not less than \$100,000.00 nor more than \$500,000.00. The punishment imposed pursuant to this paragraph shall not be deferred, suspended, or probated. For purposes of this paragraph, the term “state” shall include the District of Columbia and any territory, possession, or dominion of the United States.

(2) A person convicted of the offense of hijacking a motor vehicle in the second degree shall be punished upon a first conviction by imprisonment for not less than one nor more than ten years and a fine of not more than \$5,000.00. Upon a second conviction for hijacking a motor vehicle in the second degree, a person shall be punished by imprisonment for not less than three nor more than 15 years and a fine of not more than \$5,000.00. Upon a third or subsequent conviction of hijacking a motor vehicle in the second degree, a person shall be punished by imprisonment for not less than five nor more than 20 years and a fine of not more than \$5,000.00.

(d) The offense of hijacking a motor vehicle in the first degree shall be considered a separate offense and shall not merge with any other offense.

(e)(1) As used in this subsection, the terms “proceeds” and “property” shall have the same meanings as set forth in Code Section 9-16-2.

(2) Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this Code section and any proceeds are declared to be contraband and no person shall have a property right in them.

(3) Any property subject to forfeiture pursuant to paragraph (2) of this subsection shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

ILLINOIS

720 Ill. Comp. Stat. Ann. 5/18-3

(a) A person commits vehicular hijacking when he or she knowingly takes a motor vehicle from the person or the immediate presence of another by the use of force or by threatening the imminent use of force.

(b) Sentence. Vehicular hijacking is a Class 1 felony.

720 Ill. Comp. Stat. Ann. 5/18-4

(a) A person commits aggravated vehicular hijacking when he or she violates Section 18-3; and

(1) the person from whose immediate presence the motor vehicle is taken is a person with a physical disability or a person 60 years of age or over; or

(2) a person under 16 years of age is a passenger in the motor vehicle at the time of the offense; or

(3) he or she carries on or about his or her person, or is otherwise armed with a dangerous weapon, other than a firearm; or

(4) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(5) he or she, during the commission of the offense, personally discharges a firearm; or

(6) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence. Aggravated vehicular hijacking in violation of subsections (a)(1) or (a)(2) is a Class X felony. A violation of subsection (a)(3) is a Class X felony for which a term of imprisonment of not less than 7 years shall be imposed. A violation of subsection (a)(4) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(5) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(6) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

730 Ill. Comp. Stat. Ann. 5/5-4.5-25

For a Class X felony:

(a) TERM. The sentence of imprisonment shall be a determinate sentence, subject to Section 5-4.5-115 of this Code, of not less than 6 years and not more than 30 years. The sentence of imprisonment for an extended term Class X felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this Code, shall be not less than 30 years and not more than 60 years.

(b) PERIODIC IMPRISONMENT. A term of periodic imprisonment shall not be imposed.

(c) IMPACT INCARCERATION. The impact incarceration program or the county impact incarceration program is not an authorized disposition.

(d) PROBATION; CONDITIONAL DISCHARGE. A period of probation or conditional discharge shall not be imposed.

- (e) FINE. Fines may be imposed as provided in Section 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).
- (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.
- (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).
- (h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.
- (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning no credit for time spent in home detention prior to judgment.
- (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3) for rules and regulations for sentence credit.
- (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
- (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or 5/5-8-1), the parole or mandatory supervised release term shall be 3 years upon release from imprisonment.

730 Ill. Comp. Stat. Ann. 5/5-4.5-30

For a Class 1 felony:

- (a) TERM. The sentence of imprisonment, other than for second degree murder, shall be a determinate sentence of not less than 4 years and not more than 15 years, subject to Section 5-4.5-115 of this Code. The sentence of imprisonment for second degree murder shall be a determinate sentence of not less than 4 years and not more than 20 years, subject to Section 5-4.5-115 of this Code. The sentence of imprisonment for an extended term Class 1 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this Code, shall be a term not less than 15 years and not more than 30 years.
- (b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of from 3 to 4 years, except as otherwise provided in Section 5-5-3 or 5-7-1 (730 ILCS 5/5-5-3 or 5/5-7-1).
- (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for the impact incarceration program or the county impact incarceration program.
- (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the period of probation or conditional discharge shall not exceed 4 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3). In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.
- (e) FINE. Fines may be imposed as provided in Section 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).
- (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

- (g) **CONCURRENT OR CONSECUTIVE SENTENCE.** The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).
- (h) **DRUG COURT.** See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.
- (i) **CREDIT FOR HOME DETENTION.** See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.
- (j) **SENTENCE CREDIT.** See Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for sentence credit.
- (k) **ELECTRONIC MONITORING AND HOME DETENTION.** See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
- (l) **PAROLE; MANDATORY SUPERVISED RELEASE.** Except as provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or 5/5-8-1), the parole or mandatory supervised release term shall be 2 years upon release from imprisonment.

LOUISIANA

La. Stat. Ann. § 14:64.2

A. Carjacking is the intentional taking of a motor vehicle, as defined in R.S. 32:1(40), belonging to another person, in the presence of that person, or in the presence of a passenger, or any other person in lawful possession of the motor vehicle, by the use of force or intimidation.

B. (1) Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of carjacking shall be imprisoned at hard labor for not less than five years nor more than twenty years, without benefit of parole, probation, or suspension of sentence.

(2) Whoever commits the crime of carjacking when serious bodily injury results shall be imprisoned at hard labor for not less than twenty years nor more than thirty years, without benefit of parole, probation, or suspension of sentence.

MARYLAND

Md. Code Ann., Crim. Law § 3-405

“Motor vehicle” defined

(a) In this section, “motor vehicle” has the meaning stated in § 11-135 of the Transportation Article.

Prohibited--Carjacking

(b)(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.

Prohibited--Armed carjacking

(c)(1) A person may not employ or display a dangerous weapon during the commission of a carjacking.

(2) A violation of this subsection is armed carjacking.

Penalty

(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

Sentencing

(e) 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.

Prohibited defense

(f) It is not a defense under this section that the defendant did not intend to permanently deprive the owner or possessor of the motor vehicle.

MASSACHUSETTS

Mass. Gen. Laws Ann. ch. 265, § 21A

Whoever, with intent to steal a motor vehicle, assaults, confines, maims or puts any person in fear for the purpose of stealing a motor vehicle shall, whether he succeeds or fails in the perpetration of stealing the motor vehicle be punished by imprisonment in the state prison for not more than fifteen years or in a jail or house of correction for not more than two and one-half years and a fine of not less than one thousand nor more than fifteen thousand dollars; provided, however, that any person who commits any offense described herein while being armed with a dangerous weapon shall be punished by imprisonment in the state prison for not more than twenty years or in a jail or house of correction for not less than one year nor more than two and one-half years and a fine of not less than five nor more than fifteen thousand dollars. Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon, shall be punished by imprisonment in the state prison for not less than 7 years.

MICHIGAN

Mich. Comp. Laws Ann. § 750.529a

(1) A person who in the course of committing a larceny of a motor vehicle uses force or violence or the threat of force or violence, or who puts in fear any operator, passenger, or person in lawful possession of the motor vehicle, or any person lawfully attempting to recover the motor vehicle, is guilty of carjacking, a felony punishable by imprisonment for life or for any term of years.

(2) As used in this section, “in the course of committing a larceny of a motor vehicle” includes acts that occur in an attempt to commit the larceny, or during commission of the larceny, or in flight or attempted flight after the commission of the larceny, or in an attempt to retain possession of the motor vehicle.

(3) A sentence imposed for a violation of this section may be imposed to run consecutively to any other sentence imposed for a conviction that arises out of the same transaction.

MINNESOTA

Minn. Stat. Ann. § 609.247

Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings given.

(b) “Carjacking” means taking a motor vehicle from the person or in the presence of another while having knowledge of not being entitled to the motor vehicle and using or threatening the imminent use of force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking of the motor vehicle.

(c) “Motor vehicle” has the meaning given in section 609.52, subdivision 1, clause (10).

Subd. 2. First degree. Whoever, while committing a carjacking, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of carjacking in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 3. Second degree. Whoever, while committing a carjacking, implies, by word or act, possession of a dangerous weapon, is guilty of carjacking in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subd. 4. Third degree. Whoever commits carjacking under any other circumstances is guilty of carjacking in the third degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

MISSISSIPPI

Miss. Code. Ann. § 97-3-115

The following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) “Carjacking” means taking of a motor vehicle from another person's immediate actual possession knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempting to do so, or by any other means.

(b) “Motor vehicle” includes every device in, upon or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled.

Miss. Code Ann. § 97-3-117

(1) Whoever shall knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempting to do so, or by any other means shall take a motor vehicle from another person's immediate actual possession shall be guilty of carjacking.

(a) A person who is convicted of carjacking shall be fined not more than Five Thousand Dollars (\$5,000.00) and be committed to the custody of the State Department of Corrections for not less than five (5) years nor more than fifteen (15) years.

(b) A person who is convicted of attempted carjacking shall receive the same punishment as the person who is convicted of carjacking.

(2) Whoever commits the offense of carjacking while armed with or having readily available any pistol or other firearm or imitation thereof or other dangerous or deadly weapon, including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade, razor, blackjack, billy, or metallic or other false knuckles, or any object capable of inflicting death or serious bodily harm, shall be guilty of armed carjacking.

(a) Any person who is convicted of armed carjacking shall be fined not more than Ten Thousand Dollars (\$10,000.00) and be committed to the custody of the State Department of Corrections for not less than ten (10) years nor more than thirty (30) years.

(b) Any person who is convicted of attempted armed carjacking shall receive the same punishment as the person who is convicted of armed carjacking.

(3) Any person convicted of a second or subsequent offense under this section shall be fined an amount up to twice that otherwise authorized and shall be imprisoned for a term of at least twice the minimum term provided for the offense and up to twice the maximum term otherwise authorized.

(4) Notwithstanding any other law to the contrary, the minimum terms imposed under this section shall not be reduced or suspended nor shall the defendant be eligible for electronic monitoring, house arrest or intensive supervision.

MISSOURI

Mo. Ann. Stat. § 570.027

1. A person commits the offense of vehicle hijacking when he or she knowingly uses or threatens the use of physical force upon another person to seize or attempt to seize possession or control of a vehicle, as defined in section 302.010, from the immediate possession or control of another person.
2. The offense of vehicle hijacking is a class B felony unless it meets one of the criteria listed in subsection 3 of this section.
3. The offense of vehicle hijacking is a class A felony if, in the course thereof, a person or another participant in the offense:
 - (1) Causes serious physical injury to any person in immediate possession, control, or presence of the vehicle;
 - (2) Is armed with a deadly weapon;
 - (3) Uses or threatens the immediate use of a dangerous instrument against any person;
 - (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument; or
 - (5) Seizes a vehicle, or attempts to seize a vehicle, in which a child or special victim as defined in section 565.002 is present.

Mo. Ann. Stat. § 558.011

1. The authorized terms of imprisonment, including both prison and conditional release terms, are:
 - (1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;
 - (2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;
 - (3) For a class C felony, a term of years not less than three years and not to exceed ten years;
 - (4) For a class D felony, a term of years not to exceed seven years;
 - (5) For a class E felony, a term of years not to exceed four years;
 - (6) For a class A misdemeanor, a term not to exceed one year;
 - (7) For a class B misdemeanor, a term not to exceed six months;
 - (8) For a class C misdemeanor, a term not to exceed fifteen days.
2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.
3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.
 - (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

- (a) One-third for terms of nine years or less;
- (b) Three years for terms between nine and fifteen years;
- (c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the parole board pursuant to subsection 5 of this section.

(2) **“Conditional release”** means the conditional discharge of an offender by the parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the division of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the parole board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the parole board. The director of any division of the department of corrections except the division of probation and parole may file with the parole board a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the parole board shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final.

NEW JERSEY

N.J. Stat. Ann. § 2C:15-2

a. Carjacking defined. A person is guilty of carjacking if in the course of committing an unlawful taking of a motor vehicle, as defined in R.S.39:1-1, or in an attempt to commit an unlawful taking of a motor vehicle he:

- (1) inflicts bodily injury or uses force upon an occupant or person in possession or control of a motor vehicle;
- (2) threatens an occupant or person in control with, or purposely or knowingly puts an occupant or person in control of the motor vehicle in fear of, immediate bodily injury;
- (3) commits or threatens immediately to commit any crime of the first or second degree; or
- (4) operates or causes said vehicle to be operated with the person who was in possession or control or was an occupant of the motor vehicle at the time of the taking remaining in the vehicle.

An act shall be deemed to be “in the course of committing an unlawful taking of a motor vehicle” if it occurs during an attempt to commit the unlawful taking of a motor vehicle or during an immediate flight after the attempt or commission.

b. Grading. Carjacking is a crime of the first degree and upon conviction thereof a person may, notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment between 10 and 30 years. A person convicted of carjacking shall be sentenced to a term of imprisonment and that term of imprisonment shall include the imposition of a minimum term of at least five years during which the defendant shall be ineligible for parole.

PENNSYLVANIA

18 Pa. Stat. and Cons. Stat. Ann. § 3702

(a) Offense defined.--A person commits a felony of the first degree if he steals or takes a motor vehicle from another person in the presence of that person or any other person in lawful possession of the motor vehicle.

(b) Sentencing.--The Pennsylvania Commission on Sentencing, pursuant to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section.

18 Pa. Stat. and Cons. Stat. Ann. § 1103

Except as provided in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses), a person who has been convicted of a felony may be sentenced to imprisonment as follows:

- (1) In the case of a felony of the first degree, for a term which shall be fixed by the court at not more than 20 years.
- (2) In the case of a felony of the second degree, for a term which shall be fixed by the court at not more than ten years.
- (3) In the case of a felony of the third degree, for a term which shall be fixed by the court at not more than seven years.

RHODE ISLAND

11 R.I. Gen. Laws Ann. § 11-39-2

(a) Every person who shall unlawfully seize a motor vehicle from its lawful owner, lessor, or occupant by use or threat of use of a dangerous weapon against the owner, lessor, or occupant resulting in serious bodily injury, as defined in § 11-5-10.2, shall be guilty of first degree robbery and shall be imprisoned for not less than ten (10) years and may be imprisoned for life, or fined not more than fifteen thousand dollars (\$15,000), or both. In all such cases, the justice imposing sentence shall impose a minimum sentence of ten (10) years imprisonment and may only impose a sentence less than the minimum if he or she finds that substantial and compelling circumstances exist which justify imposition of the alternative sentence. That finding may be based upon the character and background of the defendant, the cooperation of the defendant with law enforcement authorities, the nature and circumstances of the offense, and/or the nature and quality of the evidence presented at trial. If a sentence which is less than imprisonment for a term of ten (10) years is imposed, the trial justice shall set forth on the record the circumstances which he or she found as justification for imposition of the lesser sentence. A person sentenced to prison for violation of this subsection shall not be eligible for parole until at least one-half (1/2) of the sentence has been served in prison.

(b) Every person who shall unlawfully seize a motor vehicle from its lawful owner, lessor, or occupant by force or threat of force against the owner, lessor, or occupant shall be guilty of second degree robbery and shall be imprisoned for not less than five (5) years nor more than thirty (30) years, or fined not more than ten thousand dollars (\$10,000), or both.

(c) Every person who shall commit robbery of a motor vehicle by seizing it from its lawful owner, lessor, or occupant under the circumstances set forth in subsection (a) or (b) of this section, resulting in the death of the owner, lessor or occupant, shall be guilty of first degree murder and shall be sentenced to life imprisonment, and may be sentenced to life imprisonment without parole if ordered by the court pursuant to chapter 19.2 of title 12. A person sentenced to life imprisonment for violation of this subsection shall not be eligible for parole until at least twenty (20) years of the sentence has been served in prison.

SOUTH CAROLINA

S.C. Code Ann. § 16-3-1075

(A) For purposes of this section, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B) A person is guilty of the felony of carjacking who takes, or attempts to take, a motor vehicle from another person by force and violence or by intimidation while the person is operating the vehicle or while the person is in the vehicle. Upon conviction for this offense, a person must:

- (1) be imprisoned not more than twenty years; or
- (2) if great bodily injury results, be imprisoned not more than thirty years.

TENNESSEE

Tenn. Code Ann. § 39-13-404

- (a) “Carjacking” is the intentional or knowing taking of a motor vehicle from the possession of another by use of:
 - (1) A deadly weapon; or
 - (2) Force or intimidation.
- (b) Carjacking is a Class B felony.

Tenn. Code Ann. § 40-35-105

- (a) A standard offender is a defendant not sentenced as:
 - (1) A multiple offender, as defined by § 40-35-106;
 - (2) A persistent offender, as defined by § 40-35-107;
 - (3) A career offender, as defined by § 40-35-108;
 - (4) An especially mitigated offender, as defined by § 40-35-109; or
 - (5) A repeat violent offender, as defined by § 40-35-120.
- (b) The sentence for a standard offender is within Range I.
- (c) If the judgment of conviction does not include a sentence range, it shall be returned to the sentencing court to be completed.

Tenn. Code Ann. § 40-35-112

- (a) A Range I sentence is as follows:
 - (1) For a Class A felony, not less than fifteen (15) nor more than twenty-five (25) years;
 - (2) For a Class B felony, not less than eight (8) nor more than twelve (12) years;
 - (3) For a Class C felony, not less than three (3) nor more than six (6) years;
 - (4) For a Class D felony, not less than two (2) nor more than four (4) years; and
 - (5) For a Class E felony, not less than one (1) nor more than two (2) years.
- (b) A Range II sentence is as follows:
 - (1) For a Class A felony, not less than twenty-five (25) nor more than forty (40) years;
 - (2) For a Class B felony, not less than twelve (12) nor more than twenty (20) years;
 - (3) For a Class C felony, not less than six (6) nor more than ten (10) years;
 - (4) For a Class D felony, not less than four (4) nor more than eight (8) years; and
 - (5) For a Class E felony, not less than two (2) nor more than four (4) years.
- (c) A Range III sentence is as follows:
 - (1) For a Class A felony, not less than forty (40) nor more than sixty (60) years;
 - (2) For a Class B felony, not less than twenty (20) nor more than thirty (30) years;
 - (3) For a Class C felony, not less than ten (10) nor more than fifteen (15) years;
 - (4) For a Class D felony, not less than eight (8) nor more than twelve (12) years; and
 - (5) For a Class E felony, not less than four (4) nor more than six (6) years.

Tenn. Code Ann. § 40-35-210

- (a) At the conclusion of the sentencing hearing, the court shall first determine the appropriate range of sentence.
- (b) To determine the specific sentence and the appropriate combination of sentencing alternatives that shall be imposed on the defendant, the court shall consider the following:
- (1) The evidence, if any, received at the trial and the sentencing hearing;
 - (2) The presentence report;
 - (3) The principles of sentencing and arguments as to sentencing alternatives;
 - (4) The nature and characteristics of the criminal conduct involved;
 - (5) Evidence and information offered by the parties on the mitigating and enhancement factors set out in §§ 40-35-113 and 40-35-114;
 - (6) Any statistical information provided by the administrative office of the courts as to sentencing practices for similar offenses in Tennessee;
 - (7) Any statement the defendant wishes to make on the defendant's own behalf about sentencing; and
 - (8) The result of the validated risk and needs assessment conducted by the department and contained in the presentence report.
- (c) The court shall impose a sentence within the range of punishment, determined by whether the defendant is a mitigated, standard, persistent, career or repeat violent offender. In imposing a specific sentence within the range of punishment, the court shall consider, but is not bound by, the following advisory sentencing guidelines:
- (1) The minimum sentence within the range of punishment is the sentence that should be imposed, because the general assembly set the minimum length of sentence for each felony class to reflect the relative seriousness of each criminal offense in the felony classifications; and
 - (2) The sentence length within the range should be adjusted, as appropriate, by the presence or absence of mitigating and enhancement factors set out in §§ 40-35-113 and 40-35-114.
- (d) The sentence length within the range should be consistent with the purposes and principles of this chapter.
- (e)(1) In order to ensure fair and consistent sentencing, at a sentencing hearing the court shall place on the record, either orally or in writing, the following:
- (A) What enhancing or mitigating factors were considered, if any;
 - (B) The reasons for the sentence; and
 - (C) For a sentence of continuous confinement, the estimated number of years and months the defendant will serve before becoming eligible for release.
- (2) The department of correction shall provide the court with a form to assist in determining the estimation referenced in subdivision (e)(1)(C).
- (3) The estimation provided pursuant to subdivision (e)(1)(C) is not a basis for post-conviction relief or for a direct appeal of the defendant's sentence.
- (f) A sentence must be based on evidence in the record of the trial, the sentencing hearing, the presentence report, the validated risk and needs assessment, and the record of prior felony convictions filed by the district attorney general with the court, as required by § 40-35-202(a).

(g) When the court accepts a plea of guilty or nolo contendere or imposes a sentence on a defendant who has been convicted of a felony offense that occurred on or after July 1, 2021, the court shall specify in its order that the defendant may be subject to an additional year of mandatory reentry supervision pursuant to § 40-35-506 if, at the time of release, the defendant is not an eligible inmate as defined in § 40-35-506.

UTAH

Utah Code Ann. § 76-6-301

- (1)(a) As used in this section, an act is considered to be “in the course of committing a theft or unauthorized possession of property” if the act occurs:
- (i) in the course of an attempt to commit theft or unauthorized possession of property;
 - (ii) in the commission of theft or unauthorized possession of property; or
 - (iii) in the immediate flight after the attempt or commission.
- (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits robbery if the actor:
- (a) unlawfully and intentionally takes or attempts to take personal property in the possession of an individual from the individual's person, or immediate presence, against the individual's will, by means of force or fear, and with a purpose or intent to deprive the individual permanently or temporarily of the personal property; or
 - (b) intentionally or knowingly uses force or fear of immediate force against an individual in the course of committing a theft or unauthorized possession of property.
- (3) A violation of Subsection (2) is a second degree felony.

Utah Code Ann. § 76-6-302

- (1)(a) As used in this section, an act is considered to be “in the course of committing a robbery” if the act occurs in an attempt to commit, during the commission of, or in the immediate flight after the attempt or commission of a robbery.
- (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits aggravated robbery if in the course of committing a robbery, the actor:
- (a) uses or threatens to use a dangerous weapon;
 - (b) causes serious bodily injury to another individual; or
 - (c) takes or attempts to take an operable motor vehicle.
- (3) A violation of Subsection (2) is a first degree felony.

Utah Code Ann. § 76-3-203

A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:

- (1) In the case of a felony of the first degree, unless the statute provides otherwise, for a term of not less than five years and which may be for life.
- (2) In the case of a felony of the second degree, unless the statute provides otherwise, for a term of not less than one year nor more than 15 years.
- (3) In the case of a felony of the third degree, unless the statute provides otherwise, for a term not to exceed five years.

VIRGINIA

Va. Code Ann. § 18.2-58.1

A. Any person who commits carjacking, as herein defined, shall be guilty of a felony punishable by imprisonment for life or a term not less than fifteen years.

B. As used in this section, “carjacking” means the intentional seizure or seizure of control of a motor vehicle of another with intent to permanently or temporarily deprive another in possession or control of the vehicle of that possession or control by means of partial strangulation, or suffocation, or by striking or beating, or by other violence to the person, or by assault or otherwise putting a person in fear of serious bodily harm, or by the threat or presenting of firearms, or other deadly weapon or instrumentality whatsoever. “Motor vehicle” shall have the same meaning as set forth in § 46.2-100.

C. The provisions of this section shall not preclude the applicability of any other provision of the criminal law of the Commonwealth which may apply to any course of conduct which violates this section.

WISCONSIN

Wis. Stat. Ann. § 943.231

(1) Whoever, while possessing a dangerous weapon and by the use of, or the threat of the use of, force or the weapon against another, intentionally takes any vehicle without the consent of the owner is guilty of a Class B felony.

(2) Whoever, by the use of force against another or by the threat of the use of force against another, intentionally takes any vehicle without the consent of the owner is guilty of a Class E felony.

(3) Whoever knows that the owner does not consent to the driving or operation of a vehicle and intentionally accompanies, as a passenger in the vehicle, a person while he or she violates sub. (1) is guilty of a Class A misdemeanor.