

deprive another of property, which is also a required element of the crime of theft under Article 27, § 342 of the Code. Also included in the offense of robbery is "obtaining the service of another", which is an element of theft under § 342. The definitions in subsection (a) of this section are based on the terms contained in the theft definitions of Article 27, § 340.

Former Article 27, § 486A is repealed as unnecessary in light of the defined term "property" in this section, which includes those documents and items described in former Article 27, § 486A.

This revision retains the judicially determined meaning of robbery, generally described as the felonious taking and carrying away of the personal property of another, from his person or in his presence, by violence, or by putting him in fear (See *Darby v. State*, 3 Md. App. 407, cert. denied, 251 Md. 748 (1968) and *State v. Gover*, 267 Md. 602 (1973)); and larceny from the person, accompanied by violence or putting in fear (See *Tyler v. State*, 5 Md. App. 158 (1968), cert. denied, 252 Md. 733 (1969)). Under common law, robbery is a specific intent crime that requires intent to permanently deprive the owner of property (See *State v. Gover*, 267 Md. 602 (1973) and *Hadder v. State*, 238 Md. 341 (1965)).

This revision is not intended to affect the separate crimes of carjacking or armed carjacking under Article 27, § 348A.

487.

(A) A PERSON MAY NOT COMMIT OR ATTEMPT TO COMMIT A ROBBERY UNDER § 486 OF THIS SUBHEADING WITH A DANGEROUS OR DEADLY WEAPON.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This section establishes an enhanced penalty for robbery with a dangerous or deadly weapon consistent with the penalty established under former Article 27, § 488.

This revision is intended to preserve the judicially determined meaning of "dangerous or deadly weapon" (See *Brooks v. State*, 314 Md. 585 (1989); *Bennett v. State*, 237 Md. 212 (1964); *Whack v. State*, 288 Md. 137 (1980) and others).

488.

~~(A) A PERSON MAY NOT COMMIT OR ATTEMPT TO COMMIT A ROBBERY UNDER § 486 OF THIS SUBHEADING BY CAUSING OR ATTEMPTING TO CAUSE A SERIOUS PHYSICAL INJURY TO ANOTHER.~~

~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS.~~

~~COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This section is new language that establishes an enhanced penalty for robbery during which the offender causes or attempts to cause a serious physical injury, based on the definition of "serious physical injury" in the first degree assault provisions of Article 27, § 12.~~