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HOUSE BILL NO. 740

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 18.2-108, 18.2-108.01, 18.2-146, and 59.1-136.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-97.2, relating to catalytic converters; penalties.

Patrons—Bell, Carr, McGuire and Fariss

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-108, 18.2-108.01, 18.2-146, and 59.1-136.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-97.2 as follows:

§ 18.2-97.2. Larceny of a catalytic converter from a motor vehicle; penalty.

Any person who commits larceny of a catalytic converter from a motor vehicle, regardless of the catalytic converter's value, is guilty of a Class 6 felony.

§ 18.2-108. Receiving, etc., stolen goods.

A. If any person buys or receives from another person, or aids in concealing, any stolen goods or other thing, knowing the same to have been stolen, he shall be deemed guilty of larceny thereof, and may be proceeded against, although the principal offender is not convicted. The penalty for a violation of this subsection that involves the purchasing, receiving, or concealing of a catalytic converter stolen from a motor vehicle shall include a mandatory minimum fine of \$1,000.

B. If any person buys or receives any goods or other thing, used in the course of a criminal investigation by law enforcement that such person believes to have been stolen, he shall be deemed guilty of larceny thereof.

§ 18.2-108.01. Larceny with intent to sell or distribute; sale of stolen property; penalty.

A. Any person who commits larceny of property with a value of \$1,000 or more with the intent to sell or distribute such property is guilty of a felony punishable by confinement in a state correctional facility for not less than two years nor more than 20 years. The larceny of more than one item of the same product is prima facie evidence of intent to sell or intent to distribute for sale.

B. Any person who sells, attempts to sell, or possesses with intent to sell or distribute any stolen property with an aggregate value of \$1,000 or more where he knew or should have known that the property was stolen is guilty of a Class 5 felony. The penalty for a violation of this subsection that involves the sale, attempt to sell, or possession with intent to sell or distribute a catalytic converter stolen from a motor vehicle shall include a mandatory minimum fine of \$1,000.

C. A violation of this section constitutes a separate and distinct offense.

§ 18.2-146. Breaking, injuring, defacing, destroying, or preventing the operation of vehicle, aircraft, boat, or vessel; penalties.

Any person who shall individually or in association with one or more others willfully break, injure, tamper with, or remove any part or parts of any vehicle, aircraft, boat, or vessel for the purpose of injuring, defacing, or destroying said vehicle, aircraft, boat, or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat, or vessel, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat, or vessel, shall be is guilty of a Class 1 misdemeanor, unless such violation of this section caused damage to such vehicle, aircraft, boat, or vessel of \$1,000 or more, then he is guilty of a Class 6 felony.

§ 59.1-136.3. Purchases of nonferrous scrap, metal articles, and proprietary articles.

A. Except as provided in § 59.1-136.4, scrap metal purchasers may purchase nonferrous scrap, metal articles, and proprietary articles from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller only in accordance with the following requirements and procedures:

1. At the time of sale, the seller of any nonferrous scrap, metal article, or proprietary article shall provide a driver's license or other government-issued current photographic identification including the seller's full name, current address, date of birth, and social security or other recognized identification number; and

2. The scrap metal purchaser shall record the seller's identification information, as well as the time and date of the transaction, the license number of the seller's vehicle, and a description of the items

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59 received from the seller, in a permanent ledger maintained at the scrap metal purchaser's place of
60 business. The ledger shall be made available upon request to any law-enforcement official, conservator
61 of the peace, or special conservator of the peace appointed pursuant to § 19.2-13, in the performance of
62 his duties who presents his credentials at the scrap metal purchaser's normal business location during
63 regular business hours. Records required by this subdivision shall be maintained by the scrap metal
64 dealer at its normal place of business or at another readily accessible and secure location for at least five
65 years.

66 B. Upon compliance with the other requirements of this section and § 59.1-136.4, a scrap metal
67 purchaser may purchase proprietary articles from a person who is not an authorized scrap seller or the
68 authorized agent and employee of an authorized scrap seller if the scrap metal purchaser complies with
69 one of the following:

70 1. The scrap metal purchaser receives from the person seeking to sell the proprietary articles
71 documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, establishing
72 that the person lawfully possesses the proprietary articles to be sold; or

73 2. The scrap metal purchaser shall document a diligent inquiry into whether the person selling or
74 delivering the same has a legal right to do so, and, after purchasing a proprietary article from a person
75 without obtaining the documentation described in subdivision 1, shall submit a report to the local
76 sheriff's department or the chief of police of the locality, by the close of the following business day,
77 describing the proprietary article and including a copy of the seller's identifying information, and hold
78 the proprietary article for not less than 15 days following purchase.

79 *Copies of such documentation (i) establishing that a person from whom a scrap metal purchaser*
80 *purchased a proprietary article lawfully possessed such proprietary article or (ii) detailing the scrap*
81 *metal purchaser's diligent inquiry into whether such person selling or delivering the proprietary article*
82 *had a legal right to do so shall be maintained by the scrap metal purchaser at its normal place of*
83 *business or at another readily accessible and secure location for at least five years. Such copies shall*
84 *be made available upon request to any law-enforcement official, conservator of the peace, or special*
85 *conservator of the peace appointed pursuant to § 19.2-13, in the performance of his duties who presents*
86 *his credentials at the scrap metal purchaser's normal business location during regular business hours.*

87 C. The scrap metal purchaser shall take a photographic or video image of all proprietary articles
88 purchased from anyone other than an authorized scrap seller. Such image shall be of sufficient quality so
89 as to reasonably identify the subject of the image and shall be maintained by the scrap metal purchaser
90 no less than 30 days from the date the image is taken. Any image taken and maintained in accordance
91 with this subdivision shall be made available upon the request of any law-enforcement officer
92 conducting official law-enforcement business.

93 D. The scrap metal purchaser may purchase nonferrous scrap, metal articles, and proprietary articles
94 directly from an authorized scrap seller and from the authorized agent or employee of an authorized
95 scrap seller.

96 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
97 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
98 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
99 **correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I,**
100 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**
101 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
102 **appropriation cannot be determined for periods of commitment to the custody of the Department**
103 **of Juvenile Justice.**