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SENATE BILL NO. 729

Offered January 21, 2022

A *BILL to amend and reenact §§ 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 damage to motor vehicles; catalytic converter; penalties.*

Patrons—Ruff and Spruill

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That §§ 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.

A. 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.

B. Any person found in possession of a catalytic converter that has been detached from a motor vehicle shall be presumed to have violated subsection A unless such person (i) is an authorized scrap seller as defined in § 59.1-136.1 or (ii) has in his possession documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, establishing that such person lawfully possesses the catalytic converter.

§ 18.2-146. Breaking, injuring, defacing, destroying or preventing the operation of vehicle, aircraft or boat; 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. For the purposes of determining whether a violation caused damage of \$1,000 or more, the cost of any replacement part or parts of any vehicle, aircraft, boat, or vessel and any additional cost necessary to install such replacement part or parts shall be included in the cost of the damage.*

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

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

1. The scrap metal purchaser receives from the person seeking to sell the proprietary articles documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, establishing that the person lawfully possesses the proprietary articles to be sold *and makes a copy of any such*

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59 *documentation and keeps such copy with the ledger; or and*

60 2. ~~The scrap metal purchaser shall document a diligent inquiry into whether the person selling or~~
61 ~~delivering the same has a legal right to do so; and, after~~ After purchasing a proprietary article from a
62 person without obtaining the documentation described in subdivision 1, *the scrap metal purchaser shall*
63 submit a report to the local sheriff's department or the chief of police of the locality, ~~by the close of the~~
64 ~~following~~ *within five business day days*, describing the proprietary article and including a copy of the
65 seller's identifying information *and the documentation described in subdivision 1*, and hold the
66 proprietary article for not less than 15 days following ~~purchase~~ *submission of the report to the local*
67 *sheriff's department or the chief of police of the locality.*

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

74 D. The scrap metal purchaser may purchase nonferrous scrap, metal articles, and proprietary articles
75 directly from an authorized scrap seller and from the authorized agent or employee of an authorized
76 scrap seller.

77 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
78 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
79 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
80 **correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I,**
81 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**
82 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
83 **appropriation cannot be determined for periods of commitment to the custody of the Department**
84 **of Juvenile Justice.**