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## SENATE BILL NO. 1135

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary  
on January 23, 2023)

(Patrons Prior to Substitute—Senator McDougle and Stanley [SB 1117])

A BILL to amend and reenact § 18.2-146 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-146.1, relating to possession, purchase, and sale of catalytic converters; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-146 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-146.1 as follows:

§ 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, is guilty of a Class 1 misdemeanor, unless such violation of this section involves the breaking, injuring, tampering with, or removal of a catalytic converter or the parts thereof, then he is guilty of a Class 6 felony. A prosecution or proceeding for a felony under this section is a bar to a prosecution or proceeding under § 18.2-137 for the same act.

A judge or jury may make a permissive inference that a person who is in possession of a catalytic converter that has been removed from a motor vehicle to have obtained the catalytic converter in violation of this section unless the person is (i) an authorized agent or employee acting in the performance of his official duties for a motor vehicle dealer, motor vehicle garage or repair shop, or salvage yard that is licensed or registered by the Commonwealth; (ii) a scrap metal purchaser that has adhered to the compliance provisions of subdivisions B 1 or 2 of § 59.1-136.3; or (iii) a person who possesses vehicle registration documentation indicating that the catalytic converter in the person's possession is the result of a replacement of a catalytic converter from a vehicle registered in that person's name.

§ 18.2-146.1. Unlawful purchase or sale of a catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle; penalty.

Any person who sells, offers for sale, or purchases a catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle, except when such sale, offer for sale, or purchase is made to or by a scrap metal purchaser that has adhered to the compliance provisions of subdivisions B 1 or 2 of § 59.1-136.3, is guilty of a Class 6 felony.

Nothing in this section shall be construed to prohibit the sale, offer for sale, or purchase of a new catalytic converter that has never been installed on a motor vehicle.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.