

HOUSE BILL NO. 740

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Bell)

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.

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.

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

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

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

36 **§ 18.2-146. Breaking, injuring, defacing, destroying, or preventing the operation of vehicle,**
37 **aircraft, boat, or vessel; penalties.**

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

46 **§ 59.1-136.3. Purchases of nonferrous scrap, metal articles, and proprietary articles.**

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

51 1. At the time of sale, the seller of any nonferrous scrap, metal article, or proprietary article shall
52 provide a driver's license or other government-issued current photographic identification including the

53 seller's full name, current address, date of birth, and social security or other recognized identification
54 number; and

55 2. The scrap metal purchaser shall record the seller's identification information, as well as the time
56 and date of the transaction, the license number of the seller's vehicle, and a description of the items
57 received from the seller, in a permanent ledger maintained at the scrap metal purchaser's place of business.
58 The ledger shall be made available upon request to any law-enforcement official, conservator of the peace,
59 or special conservator of the peace appointed pursuant to § 19.2-13, in the performance of his duties who
60 presents his credentials at the scrap metal purchaser's normal business location during regular business
61 hours. Records required by this subdivision shall be maintained by the scrap metal dealer at its normal
62 place of business or at another readily accessible and secure location for at least five years.

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

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

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

76 C. The scrap metal purchaser shall take a photographic or video image of all proprietary articles
77 purchased from anyone other than an authorized scrap seller. Such image shall be of sufficient quality so
78 as to reasonably identify the subject of the image and shall be maintained by the scrap metal purchaser no
79 less than 30 days from the date the image is taken. Any image taken and maintained in accordance with

80 this subdivision shall be made available upon the request of any law-enforcement officer conducting
81 official law-enforcement business.

82 D. The scrap metal purchaser may purchase nonferrous scrap, metal articles, and proprietary
83 articles directly from an authorized scrap seller and from the authorized agent or employee of an
84 authorized scrap seller.

85 E. For purchases of a catalytic converter, a scrap metal purchaser shall adhere to the compliance
86 provisions of subdivisions B 1 and 2. Copies of the documentation required under subdivisions B 1 and 2
87 shall (i) establish that the person from whom the scrap metal purchaser purchased the catalytic converter
88 had the lawful possession of such catalytic converter at the time of sale or delivery and (ii) detail the scrap
89 metal purchaser's diligent inquiry into whether such person selling or delivering the catalytic converter
90 had a legal right to do so. Such documentation shall be maintained by the scrap metal purchaser at his
91 normal place of business or at another readily accessible and secure location for at least two years after
92 the purchase. Such copies shall be made available upon request to any law-enforcement officer,
93 conservator of the peace, or special conservator of the peace appointed pursuant to § 19.2-13 in the
94 performance of his duties who presents his credentials at the scrap metal purchaser's normal business
95 location during normal business hours.

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 necessary**
98 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
99 **therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia**
100 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**
101 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for**
102 **periods of commitment to the custody of the Department of Juvenile Justice.**

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