

2022 -- H 7699

LC004913

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT, FALSE
PRETENSES, AND MISAPPROPRIATION

Introduced By: Representatives Cardillo, C Lima, Phillips, Chippendale, Filippi,
Solomon, Perez, Craven, Noret, and O'Brien

Date Introduced: March 02, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-41-2 of the General Laws in Chapter 11-41 entitled "Theft,
2 Embezzlement, False Pretenses, and Misappropriation" is hereby amended to read as follows:

3 **11-41-2. Receiving stolen goods.**

4 (a) Every person who shall fraudulently receive any stolen money, goods, securities,
5 chattels, or other property, knowing it to be stolen, shall be deemed guilty of larceny, although the
6 person who stole the property may not have been prosecuted or convicted for it. The possession of
7 any stolen property shall be evidence of guilty knowledge by the person having possession that the
8 property was stolen, unless the person shows that it was acquired in the due course of trade and for
9 adequate consideration.

10 (b) The possession of a used catalytic converter shall be evidence of guilty knowledge by
11 the person having possession that the catalytic converter was stolen, unless that person shows
12 ownership of the vehicle from which it was removed, or that it was acquired from a salvage yard,
13 muffler shop or an automotive or truck repair shop for adequate consideration.

14 (c) Subsection (b) of this section shall not apply to a salvage yard operator, muffler shop
15 or an automotive or truck repair shop or to an individual who possesses a license pursuant to § 6-
16 11.1-1, who is engaged in the business of buying or receiving for the purpose of selling, gold, silver,
17 platinum group metals, or precious stones, or any articles containing those elements, including
18 catalytic converters.

1 (d) “Catalytic converter” when used in this section, means an air pollution abatement
2 device, including the contents therein, that removes pollutants from motor vehicle exhaust, either
3 by oxidizing them into carbon dioxide and water or reducing them to nitrogen.

4 (e) Any person who violates the provisions of subsection (b) of this section shall be guilty
5 of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or
6 imprisoned by not more than one year, or both.

7 (f) If the value of the property possessed in violation of subsection (b) of this section
8 exceeds one thousand dollars (\$1,000), any person in violation of these provisions shall be punished
9 by a fine of not more than two thousand five hundred dollars (\$2,500) or imprisoned not more than
10 three (3) years, or both.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would make the possession of a catalytic converter by any person, other than a
2 salvage yard, muffler shop or automobile or truck repair shop, presumptive evidence that the
3 converter was stolen. Violations would be punished as a misdemeanor if the value of the stolen
4 converter is under one thousand dollars (\$1000) and a felony if the value is over one thousand
5 dollars (\$1000).

6 This act would take effect upon passage.

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