

2013 -- H 5162 SUBSTITUTE A

=====
LC00353/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS --
PURCHASE AND SALE OF PRECIOUS METALS

Introduced By: Representatives E Coderre, Palangio, San Bento, Ucci, and Cimini

Date Introduced: January 24, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 6-11.1-5 of the General Laws in Chapter 6-11.1 entitled "Purchase
2 and Sale of Precious Metals" is hereby amended to read as follows:

3 **6-11.1-5. Fourteen day holding period -- Recovery of stolen property -- Return to**
4 **rightful owner.** -- (a) All persons licensed under this chapter shall retain in their possession in an
5 unaltered condition for a period of fourteen (14) days all precious metals or articles made from or
6 containing a precious metal including catalytic converters, [manhole covers, storm grates, and](#)
7 [bridge placards](#) except items of bullion, including coins, bars, and medallions, which do not
8 contain serial numbers or other identifying marks. The fourteen (14) day holding period shall
9 commence with the date the report of its acquisition was delivered to or received through the
10 mails by the chief of police or the attorney general, whichever is later. The records so received by
11 the chief of police and the attorney general shall be available for inspection only by law
12 enforcement officers for law enforcement purposes. If the chief of police has probable cause that
13 precious metals or an article made from or containing a precious metal has been stolen, he or she
14 may give notice, in writing, to the person licensed, to retain the metal or article for an additional
15 period of fifteen (15) days, and the person shall retain the property for this additional fifteen (15)
16 day period, unless the notice is recalled, in writing, within the fifteen (15) day period; within the
17 fifteen (15) day period the chief of police, or his or her designee, shall designate, in writing, an
18 officer to secure the property alleged to be stolen and the persons in possession of the property

1 shall deliver the property to the officer upon display of the officer's written designation by the
2 chief of police or his or her designee. Upon receipt of the property from the officer, the clerk or
3 person in charge of the storage of alleged stolen property for a police department shall enter into a
4 book a description of every article of property alleged to be stolen which was brought to the
5 police department and shall attach a number to each article. The clerk or person in charge of the
6 storage of alleged stolen property shall deliver the property to the owner of the property upon
7 satisfactory proof of ownership, without any cost to the owner, provided that the following steps
8 are followed:

9 (1) A complete photographic record of the property is made;

10 (2) A signed declaration of ownership under penalty of perjury is obtained from the
11 person to whom the property is delivered;

12 (3) The person from whom the custody of the property was taken is served with written
13 notice of the claim of ownership and is given ten (10) days from the mailing of the notice to file a
14 petition in district court objecting to the delivery of the property to the person claiming
15 ownership. If a petition is filed in a timely manner, the district court shall at a hearing determine
16 by a preponderance of the evidence that the property was stolen and that the person claiming
17 ownership of the property is the true owner. The decision of the district court may only be
18 appealable by writ of certiorari to the supreme court.

19 (b) The clerk or person in charge of the storage of alleged stolen property shall not be
20 liable for damages for any official act performed in good faith in the course of carrying out the
21 provisions of this section. The photographic record of the alleged stolen property shall be allowed
22 to be introduced as evidence in any court of this state in place of the actual alleged stolen
23 property; provided that the clerk in charge of the storage of the alleged stolen property shall take
24 photographs of the property, and those photographs shall be tagged and marked and remain in his
25 possession or control.

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

=====
LC00353/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS --
PURCHASE AND SALE OF PRECIOUS METALS

- 1 This act would add city and town owned manhole covers, storm grates, and bridge
- 2 placards to the sale of protected precious metals.
- 3 This act would take effect upon passage.

=====
LC00353/SUB A
=====