

2023 -- H 5113

LC000176

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Representatives J Lombardi, Hull, Ajello, and McGaw

Date Introduced: January 12, 2023

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 the person is an  
12 employee or agent of a company, a contractor, or an individual in the business of installing,  
13 replacing, maintaining, or removing catalytic converters, and is acting in the person's official duties;  
14 or the person is an individual who removed the catalytic converter to repair a motor vehicle and is  
15 either intending to reattach or lawfully dispose of the catalytic converter.

16 (c) Subsection (b) of this section shall not apply to a salvage yard operator, muffler shop  
17 or an automotive and/or truck repair shop or to an individual who possesses a license pursuant to §  
18 6-11.1-1, who is engaged in the business of buying or receiving for the purpose of selling: gold,

1 silver, platinum group metals, or precious stones, or any articles containing those items, including  
2 catalytic converters.

3 (d) The word "catalytic converter" when used in this section shall be defined as an air  
4 pollution abatement device, including the contents therein, that removes pollutants from motor  
5 vehicle exhaust, either by oxidizing them into carbon dioxide and water or reducing them to  
6 nitrogen.

7 (e) Every person who shall violate the provisions of subsection (b) of this section shall be  
8 guilty of a felony and shall be fined not more than five thousand dollars (\$5,000) or imprisoned for  
9 not more than five (5) years, or both.

10 SECTION 2. Chapter 23-18.9 of the General Laws entitled "Refuse Disposal" is hereby  
11 amended by adding thereto the following section:

12 **23-18.9-19. Metals recyclers -- Reporting requirements.**

13 (a) Any person required to provide recycling services pursuant to this title shall maintain  
14 electronic records of all purchase transactions of regulated metals. The records must include:

15 (1) A copy of the title of the vehicle or other proof of ownership in transactions involving  
16 catalytic converters that are attached to a vehicle; and

17 (2) A description of how the company, contractor, or metal recycler obtained in catalytic  
18 converter for those that are not attached to the motor vehicle, including any model, serial, or other  
19 identification numbers for the vehicle or other product from which it was removed from.

20 (b) Every person who shall violate the requirement to maintain records pursuant to this  
21 section shall be guilty of a felony and shall be fined not more than five thousand dollars (\$5,000)  
22 or imprisoned for not more than five (5) years or both.

23 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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- 1           This act would make theft of a catalytic converter a felony and would require recycling
- 2 service providers to maintain certain records relative to catalytic converters.
- 3           This act would take effect upon passage.

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