



SPONSOR: Sen. Walsh & Rep. K. Williams
Sen. Townsend; Reps. Carson, Chukwuocha, K. Johnson

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 77

AN ACT TO AMEND TITLE 11 AND TITLE 24 OF THE DELAWARE CODE RELATING TO CATALYTIC CONVERTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 841F. Theft of a catalytic converter; class A misdemeanor; class G felony; class F felony; class D felony; class B felony.

(a) A person is guilty of theft of a catalytic converter when a person takes, exercises control over, or obtains a catalytic converter or parts of a catalytic converter belonging to another person intending to deprive that person of it or appropriate it.

(b) (1) Except where a victim is 62 years of age or older, or an “adult who is impaired” as defined in § 3902(2) of Title 31, or a “person with a disability” as defined in § 3901(a)(2) of Title 12, theft of a catalytic converter is a class A misdemeanor unless the value of the property received, retained, or disposed of is \$1,500 or more, in which case it is a class G felony. If the defendant has been convicted of theft of a catalytic converter within the previous 5 years, theft of a catalytic converter is a class G felony even if the value of the property is less than \$1,500.

(2) Where a victim is 62 years of age or older, or an “adult who is impaired” as defined in § 3902(2) of Title 31, or a “person with a disability” as defined in § 3901(a)(2) of Title 12, theft of a catalytic converter is a class G felony unless the value of the property received, retained, or disposed of is \$1,500 or more, in which case it is a class F felony. If the defendant has been convicted of theft of a catalytic converter within the previous 5 years, theft of a catalytic converter is a class F felony even if the value of the property is less than \$1,500.

(3) Notwithstanding paragraphs (d)(1) and (2) of this section:

a. Where the value of the property received, retained, or disposed of is more than \$50,000 but less than \$100,000, theft of a catalytic converter is a class D felony.

b. Where the value of the property received, retained, or disposed of is \$100,000 or more, theft of a catalytic converter is a class B felony.

(4) Upon conviction, the sentencing judge shall require full restitution to the victim for any monetary losses suffered and shall consider the imposition of community service.

Section 2. Amend §2302, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§2302. Reporting Requirements

(b) (2). ~~Such record shall include, at a minimum,~~ The record required by paragraph (b)(1) of this section must include all of the following information:

- a. The date and time of ~~purchase;~~ purchase.
- b. The type and grade of scrap ~~metal;~~ metal.
- c. If payment is based on weight, the weight of each type and grade of scrap ~~metal;~~ metal.
- d. The amount or other consideration for the scrap ~~metal;~~ metal.
- e. The registration plate number, ~~make~~ make, and model of the vehicle used in the delivery of scrap ~~metal;~~ metal.
- f. The name and address of the individual from whom the scrap metal is ~~acquired;~~ acquired.
- g. The signature ~~of;~~ of all of the following:
 1. The individual from whom the scrap metal is ~~acquired;~~ and, acquired.
 2. The scrap metal ~~processor;~~ and processor.
- h. For each individual from whom the scrap metal processor acquires scrap metal, one of the following:
 1. The date of birth and driver's ~~license;~~ or, license.
 2. Identification information about the individual from a valid state-issued photo identification card that provides a physical description of the individua, including the sex, race, distinguishing features, and approximate age, ~~height~~ height, and weight of the individual.

(b) (3) Scrap metal processors ~~will~~ must collect a photograph of the seller and all information pertaining to the seller, required on the electronic form, for every transaction regardless of value.

(b) (4) In addition to the requirements set forth in paragraph (a)(2) of this section, for the purchase or acquisition of a catalytic converter, a scrap metal processor or other authorized purchaser must also record all of the following:

- a. The business license number of the seller.
- b. The name or identification of the employee responsible for making the purchase.
- c. A description of the catalytic converter including any obvious markings such as paint, labels, or engravings that would aid in the identification of the catalytic converter.

53 d. A signed statement from the individual receiving consideration for the purchase stating the scrap metal
54 is not stolen and is free of any liens or encumbrances and that the individual is the rightful owner of the catalytic
55 converter or is authorized to sell the catalytic converter the penalty of perjury as provided in § 1221 of Title 11.

56 e. A photocopy or scanned copy of the driver's license or state-issued photo identification card of the
57 individual selling or transferring the catalytic converter to the scrap metal processor, which includes the type of
58 card and any distinctive number on the card.

59 f. A digital photograph or video recording of the individual delivering or receiving consideration for the
60 catalytic converter with the individual's facial features clearly visible and a digital photograph or video of the
61 catalytic converter, as delivered or sold, with the type of metal property identifiable. The date and time of the
62 purchase shall be digitally recorded on the digital photograph or video recording.

63 g. The name of the person who removed the catalytic converter.

SYNOPSIS

This Act creates a separate offense for theft of a catalytic converter. A first offense of catalytic converter theft is a class A misdemeanor unless the value of the stolen property is \$1,500 or more, in which case it is a class G felony. A second offense of theft of a catalytic converter within the previous 5 years is a class G felony, regardless of the value of the stolen property.

Where a victim is 62 years of age or older, an adult who is impaired, or a person with a disability, a first offense of theft of a catalytic converter is a class G felony unless the value of the stolen property is \$1,500 or more, in which case it is a class F felony. A second offense of theft of a catalytic converter within the previous 5 years is a class F felony, regardless of the value of the property stolen.

Where the value of the property is more than \$50,000 but less than \$100,000, theft of a catalytic converter is a class D felony. Where the value of the property is \$100,000 or more, theft of a catalytic converter is a class B felony.

This Act increases the reporting requirements for scrap metal processors when they acquire scrap metal including catalytic converters.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Walsh