
Public Safety Committee

HB 1815

Brief Description: Deterring catalytic converter theft.

Sponsors: Representatives Ryu, Boehnke, Johnson, J., Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young and Frame.

Brief Summary of Bill

- Requires the Washington State Patrol (WSP) to establish a catalytic converter tracking pilot project to deter catalytic converter theft by utilizing vehicle identification numbers or other unique identifiers.
- Establishes the Washington state catalytic converter theft task force to review state laws pertaining to catalytic converter theft and develop related recommendations to the Legislature.
- Requires WSP to administer and provide staff support and facilitation services to the Washington state catalytic converter theft task force.

Hearing Date: 1/18/22

Staff: Corey Patton (786-7388).

Background:

Scrap Metal Transactions Involving Private Metal Property.

Scrap metal businesses engaged in purchasing or receiving private, nonferrous, or commercial metal property are subject to certain statutory requirements. These requirements include specific recordkeeping duties, restrictions on transactions, and obligations to cooperate with law enforcement to assist in preserving evidence of stolen property. Certain violations of these

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requirements carry criminal penalties. For example, it is a gross misdemeanor to deliberately remove, alter, or obliterate any identifying marks on an item of private, nonferrous, or commercial metal property to deceive a scrap metal business; or to purchase or receive any private, nonferrous, or commercial metal property where identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated.

"Private metal property" means catalytic converters, either singly or in bundles, bales, or bulk, that have been removed from vehicles for sale as a specific commodity.

Criminal Penalties Related to Theft of Private Metal Property.

Theft in the First Degree.

A person is guilty of Theft in the first degree if he or she commits theft of:

- property or services which exceed \$5,000 in value, other than a firearm;
- property of any value, other than a firearm or a motor vehicle, taken from the person of another;
- a search and rescue dog, while the search and rescue dog is on duty; or
- commercial metal property, nonferrous metal property, or private metal property when the costs of the damage to the owner's property exceed \$5,000 in value.

Theft in the first degree is a class B felony.

Theft in the Second Degree.

A person is guilty of Theft in the second degree if he or she commits theft of:

- property or services which exceed \$750 in value but do not exceed \$5,000 in value, other than a firearm or a motor vehicle;
- a public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant;
- commercial metal property, nonferrous metal property, or private metal property when the costs of the damage to the owner's property exceed \$750 but do not exceed \$5,000 in value; or
- an access device.

Theft in the second degree is a class C felony.

Theft in the Third Degree.

A person is guilty of theft in the third degree if he or she commits theft of property or services which does not exceed \$750 in value, or includes 10 or more merchandise pallets, or 10 or more beverage crates, or a combination of 10 or more merchandise pallets and beverage crates. Theft in the third degree is a gross misdemeanor.

Summary of Bill:

Catalytic Converter Tracking Pilot Project.

Subject to the availability of funding, the Washington State Patrol (WSP) must establish the catalytic converter tracking pilot project with the purpose of deterring the theft of catalytic converters by marking them with vehicle identification numbers or other unique identifiers.

Under the pilot project, the WSP must:

- collaborate with law enforcement agencies, insurance companies, and scrap metal dealers to identify vehicles that are most frequently targeted for catalytic converter theft and establish the most effective methods for marking catalytic converters;
- establish a procedure to mark the catalytic converters of vehicles most likely to be targeted for theft with unique identification numbers using labels, engraving, theft deterrence paint, or other methods that permanently mark the catalytic converter without damaging its function; and
- make any educational information resulting from the pilot project available to law enforcement agencies and scrap metal dealers.

Materials purchased under the pilot project may be distributed to dealers, automobile repair shops and service centers, law enforcement agencies, and community organizations to arrange for the marking of the catalytic converters of vehicles most likely to be targeted for theft at no cost to the vehicle owners. The WSP may prioritize distribution of materials to areas of Washington state experiencing the highest rates of catalytic converter theft.

The WSP must provide a report on the pilot project to the Governor and the Legislature by October 1, 2023. The report must describe the progress, results, and any findings of the pilot project, including the total number of catalytic converters marked under the pilot project, and, to the extent known, whether any catalytic converters marked under the pilot project were stolen and the outcome of any criminal investigation into the thefts. The pilot project expires November 1, 2023.

Washington State Catalytic Converter Theft Task Force.

The Washington state catalytic converter theft task force is established. The task force is comprised of the following membership:

- two House Members (one from each caucus);
- two Senators (one from each caucus);
- one member representing the WSP;
- one member representing the Washington Association of Sheriffs and Police Chiefs;
- one member representing the Washington Association of Prosecuting Attorneys;
- one member representing the Office of Public Defense;
- one member representing the Superior Court Judges' Association;
- one member representing the District and Municipal Court Judges' Association;
- one member representing the Association of Washington Cities;
- one member representing the Office of the Attorney General;
- one member representing the property and casualty insurance industry;
- one member representing the scrap metal recycling industry;

- one member representing the Washington Organized Retail Crime Association; and
- two members representing individuals with lived experience being charged with, or convicted of, organized theft.

The legislative membership must convene the initial meeting of the task force by September 1, 2022. The membership of the task force shall choose the task force's co-chairs, which must include one legislative member and one nonlegislative member. The WSP must administer and provide staff support and facilitation services to the task force. The WSP may, when deemed necessary by the task force, contract with consultants to provide data analysis, research, and other services.

The task force must review state laws related to theft of catalytic converters and develop recommendations for the following subjects:

- deterring the occurrence of catalytic converter theft;
- developing tools to identify and recover stolen catalytic converters; and
- lowering costs to victims of catalytic converter theft.

The task force may develop recommendations for the following subjects:

- maintenance and accessibility of law enforcement records related to transactions involving catalytic converters; and
- traceability of payments related to transactions involving catalytic converters.

The task force must report its findings and recommendations to the Governor and the Legislature by October 1, 2023. The task force expires November 1, 2023.

Appropriation: None.

Fiscal Note: Requested on January 17, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.