

CS/HB 185 – Catalytic Converters (Similar CS/CS/SB 306)

This bill creates s. 860.142, F.S., defining catalytic converter and detached catalytic converter, and stating that a “person may not knowingly purchase a detached catalytic converter unless he or she is a registered secondary metals recycler” and “a registered secondary metals recycler who purchases a detached catalytic converter must comply with” current statutory requirements applying to his or her profession, which include specific record keeping and prohibited practices, and could impact the felonies under s. 538.23, F.S.

This bill also adds an **unranked, 3rd degree felony (Level 1 by default)** to s. 860.142, F.S. for a person to “knowingly possess, purchase, sell, or install...a stolen catalytic converter...a catalytic converter that has been removed from a stolen motor vehicle...a new or detached catalytic converter from which the manufacturer's part identification number, aftermarket identification number, or owner-applied number has been removed, altered, or defaced...or a detached catalytic converter without proof of ownership, unless the person is a registered secondary metals recycler or a salvage motor vehicle dealer or meets the criteria for exemption provided in s. 538.22, F.S.” Furthermore, “proof that a person was in possession of two or more detached catalytic converters, unless satisfactorily explained, gives rise to an inference that the person in possession of the catalytic converters knew or should have known that the catalytic converters may have been stolen or fraudulently obtained.”

This bill also creates s. 860.147, F.S., providing more definitions for the different kinds of alterations to catalytic converters, and stating that “a person may not knowingly import, manufacture, purchase for the purpose of reselling or installing, sell, offer for sale, or install or reinstall in a motor vehicle a counterfeit, fake, or nonfunctional catalytic converter.” An **unranked, 2nd degree felony (Level 4 by default)** is created for this violation.

Finally, this bill amends s. 538.26, F.S., adding the following language to prohibited acts for a secondary metals recycler: “process or remove from the place of business of a secondary metals recycler a detached catalytic converter that the secondary metals recycler has purchased within 10 business days after the date of purchase. This subsection does not apply to the purchase of a detached catalytic converter from another secondary metals recycler, a salvage motor vehicle dealer as defined in s. 320.27(1)(c)5., F.S., or a person or entity listed in s. 538.22, F.S.”

In FY 18-19, the incarceration rate for a Level 1, 3rd degree felony was 9.1%, and in FY 19-20 the incarceration rate was 8.2%. In FY 20-21, the incarceration rate for a Level 1, 3rd degree felony was 7.5%, and in FY 21-22 the incarceration rate was 8.6%. In FY 18-19, the incarceration rate for a Level 4, 2nd degree felony was 28.7%, and in FY 19-20 the incarceration rate was 27.3%. In FY 20-21, the incarceration rate for a Level 4, 2nd degree felony was 23.8%, and in FY 21-22 the incarceration rate was 29.7%.

Per DOC, there are large numbers of new commitments each year for dealing in stolen property under s. 812.019(1), F.S. In FY 18-19, there were 1,140 new commitments, and there were 730 new commitments in FY 19-20. There were 557 new commitments in FY 20-21, and there were 598 new commitments in FY 21-22. It is not known how many of these offenses involved catalytic converters.

Under s. 538.23, F.S., in FY 18-19, there were 5 new commitments, and there were 4 new commitments in FY 19-20. There was one new commitment in FY 20-21, and there were 6 new commitments in FY 21-22. All of these new commitments were for violations related to providing false information to a secondary metals recycler, rather than any prohibited activities by the secondary metals recycler. Additionally, it is not known if any of these involved catalytic converters.

Per National Insurance Crime Bureau (NICB), data for Florida indicates significant growth in catalytic converter thefts in recent years: 24 in 2019, 137 in 2020, and 631 in 2021. Furthermore, this is only data reported to NICB, and the actual numbers are likely much higher and continuing to grow. A recent news article noted that Jacksonville police had worked on 900 catalytic converter thefts in the first eleven months of CY 2022.¹

However, there is no data available on how many of these stolen parts have been sold in the manner described in these newly created felonies, nor is there data available on the sales of detached, counterfeit, fake, or nonfunctional catalytic converters.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House & Senate

¹ News4Jax, *I-TEAM: Jacksonville records 900 catalytic converter thefts in 11 months as thieves steal auto parts at alarming speed*, (December 29, 2022) available at <https://www.news4jax.com/i-team/2022/12/29/i-team-jacksonville-records-900-catalytic-converter-thefts-in-11-months-as-thieves-steal-auto-parts-at-alarming-speed/> (last visited February 7, 2023)