

# Legislative Analysis

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## **LARCENY FROM A VEHICLE: INCLUDE CATALYTIC CONVERTER**

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**House Bill 6022 as introduced**  
**Sponsor: Rep. Mary Valentine**  
**Committee: Judiciary**  
**First Analysis (5-15-08)**

**BRIEF SUMMARY:** The bill would include theft of a catalytic converter in the provision allowing for an enhanced penalty for the theft of certain motor vehicle parts.

**FISCAL IMPACT:** The bill would have an indeterminate fiscal impact on the state and local units of government. A more detailed discussion follows later in the analysis.

### ***THE APPARENT PROBLEM:***

In general, the larceny statutes base the penalty on the value of the property that was stolen. For example, larceny of property with a value of less than \$200 is a 93-day misdemeanor and less than \$1,000 is a one-year misdemeanor. However, the penalty is enhanced for the theft of certain car parts. Stealing a wheel, air bag, tire, electronic devices, radio, clock, or other specified items from a motor vehicle can land someone in prison for up to five years.

More recently, as scrap metal prices have skyrocketed, thieves have targeted a large array of metal objects, from air conditioning units to irrigators used in agriculture to telephone wires and copper plumbing. Apparently, catalytic converters contain semi-precious metals, including platinum. The price for platinum has soared in recent years to a record \$2,000 for a troy ounce, up from about \$350. As a result, thieves have been specifically targeting catalytic converters.

To discourage thefts and give prosecutors an appropriate penalty with which to charge offenders, it has been proposed to include catalytic converters in the list of car parts for which the enhanced penalty applies.

### ***THE CONTENT OF THE BILL:***

A person who commits larceny by illegally removing various parts of a car (e.g., a wheel, air bag, or stereo) from a car, pickup truck, house trailer, trailer, semitrailer, or other motor vehicle is guilty of a felony punishable by imprisonment for not more than five years and/or a fine of not more than \$10,000.

House Bill 6022 would amend the Michigan Penal Code (MCL 750.365a) to include the unlawful removal or theft of a catalytic converter from a motor vehicle as an act of larceny that would be subject to the above punishment.

***FISCAL INFORMATION:***

The bill's fiscal impact on state and local correctional systems would depend on how it affected the number of criminal convictions and severity of sentences. To the extent that the bill increased the number of misdemeanor sentences, local costs of jail incarceration or misdemeanor probation supervision, both of which vary by jurisdiction, could increase.

To the extent that the bill increased the number of felony sentences, the state could incur increased costs of prison incarceration or felony probation supervision. The average appropriated cost of prison incarceration is approximately \$32,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. Costs of parole and probation supervision average about \$2,000 per supervised offender per year. To the extent that more felons were sentenced to jail, affected counties could experience increased costs; jail costs vary by county.

Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

***ARGUMENTS:***

***For:***

Unlike certain car parts, the catalytic converters are not stamped with the vehicle's VIN or other identifying number. This can make it difficult for prosecutors to prove that even a truckload of converters were obtained unlawfully. At best, offenders can be charged only with a misdemeanor, since under the general larceny statutes the penalty is based on the value of the item stolen.

According to testimony given before the committee by an assistant prosecutor from Wayne County, many of these thefts are done by individuals to support drug addictions. These individuals may also be in the lower level of organized rings. Apparently, since many only face a minor misdemeanor charge, it is difficult to encourage them to give up the names of individuals higher up in the ring. Applying the enhanced felony penalty available for thefts of tires, air bags, and other specified vehicle parts to the theft of catalytic converters could not only deter future thefts, but could also motivate those looking at a prison term to cooperate more fully with law enforcement agencies, thus leading to the organizers of these rings.

***POSITIONS:***

A representative of the Wayne County Prosecutor's Office testified in support of the bill.  
(5-14-08)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.