

2022 Regular Session

SENATE BILL NO. 70

BY SENATOR TALBOT

THEFT. Creates the crime of theft of a catalytic converter or engine control module and provides for dealer registration. (8/1/22)

1 AN ACT
2 To enact R.S. 14:67.12 and R.S. 37:1864(A)(3), relative to misappropriation without
3 violence; to create the crime of theft of a catalytic converter or engine control
4 module; to provide penalties; to provide relative to entities engaged in the sale of
5 catalytic converters or engine control modules; to provide relative to registration
6 with law enforcement; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:67.12 is hereby enacted to read as follows:

9 **§67.12. Theft of a catalytic converter or engine control module**

10 **A. Theft of a catalytic converter or engine control module is the**
11 **misappropriation or taking of a catalytic converter or engine control module**
12 **which belongs to another, either without the consent of the owner to the**
13 **misappropriation or taking, or by means of fraudulent conduct, practices, or**
14 **representations. An intent to deprive the owner permanently of the catalytic**
15 **converter or engine control module is essential.**

16 **B.(1) Whoever commits the crime of theft of a catalytic converter or**
17 **engine control module when the misappropriation or taking amounts to a value**

1 of twenty-five thousand dollars or more shall be imprisoned at hard labor for
2 not less than ten years nor more than twenty years, or may be fined not more
3 than fifty thousand dollars, or both.

4 (2) When the misappropriation or taking amounts to a value of five
5 thousand dollars or more, but less than a value of twenty-five thousand dollars,
6 the offender shall be imprisoned, with or without hard labor, for not less than
7 five years nor more than ten years, or may be fined not more than ten thousand
8 dollars, or both.

9 (3) When the misappropriation or taking amounts to a value of one
10 thousand dollars or more, but less than a value of five thousand dollars, the
11 offender shall be imprisoned, with or without hard labor, for not less than two
12 years nor more than five years, or may be fined not more than three thousand
13 dollars, or both.

14 (4) When the misappropriation or taking amounts to a value of less than
15 one thousand dollars, the offender shall be imprisoned for not less than ninety
16 days nor more than six months, or may be fined not more than one thousand
17 dollars, or both.

18 C. If the offender has been convicted under this Section two or more
19 times previously, upon any subsequent conviction he shall be imprisoned, with
20 or without hard labor, for an additional year to be served consecutively to the
21 sentence imposed under Subsection B of this Section, or may be fined an
22 additional one thousand dollars, or both.

23 D. When there has been a misappropriation or taking by a number of
24 distinct acts of the offender, the aggregate of the amount of the
25 misappropriations or taking shall determine the grade of the offense.

26 E. For the purposes of this Section, "engine control module" means the
27 electronic control unit of the vehicle that controls a series of actuators which
28 ensures that the vehicle operates at optimal performance by monitoring all
29 sensors in the engine bay.

1 Section 2: R.S. 37:1864(A)(3) is hereby enacted to read as follows:
 2 §1864. Record of secondhand goods or objects purchased required; exceptions;
 3 retention period; inspections by law enforcement; violations; penalty

4 A. * * *

5 **(3) In addition to the other requirements of this Subsection, any person,**
 6 **firm, corporation, or entity engaged in the business of buying or selling**
 7 **unattached catalytic converters or engine control modules as a single item and**
 8 **not as part of a scrapped motor vehicle shall register with the chief of police and**
 9 **sheriff of each city and parish in which the business is conducted.**

10 * * *

The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl Serrett.

DIGEST

SB 70 Reengrossed 2022 Regular Session Talbot

Proposed law creates the crime of "theft of a catalytic converter or engine control module", which is misappropriation or taking of a catalytic converter or engine control module which belongs to another, either without the consent of the owner to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. Proposed law further provides that an intent to deprive the owner permanently of the catalytic converter or engine control module is essential.

Proposed law provides for the following penalties:

- (1) When the misappropriation or taking amounts to a value of \$25,000 or more, the offender is to be imprisoned, at hard labor, for not less than 10 years nor more than 20 years, or fined not more than \$50,000, or both.
- (2) When the misappropriation or taking amounts to a value of \$5,000 or more, but less than \$25,000, the offender is to be imprisoned, with or without hard labor, for not less than five years nor more than 10 years, or fined not more than \$10,000, or both.
- (3) When the misappropriation or taking amounts to a value of \$1,000 or more, but less than \$5,000, the offender is to be imprisoned, with or without hard labor, for not less than two years nor more than five years, or fined not more than \$3,000, or both.
- (4) When the misappropriation or taking amounts to a value of less than \$1,000, the offender is to be imprisoned for not less than 90 days nor more than six months, or fined not more than \$1,000, or both.

Proposed law further provides that if the offender has been convicted two or more times of theft of catalytic converter or engine control module, upon any subsequent conviction, he is to be imprisoned, with or without hard labor, for an additional year to be served consecutively, or may be fined not more than an additional \$2,000, or both.

Effective August 1, 2022.

(Adds R.S. 14:67.12 and 37:1864(A)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Requires entity engaged in the business of buying or selling unattached catalytic converters to register with the chief of police and sheriff of each city and parish in which the business is conducted.

Senate Floor Amendments to engrossed bill

1. Defines engine control module and creates crime of theft of an engine control module.