

1 HB464  
2 218617-1  
3 By Representative Kiel  
4 RFD: Judiciary  
5 First Read: 08-MAR-22

8 SYNOPSIS: Under existing law, a person commits the  
9 crime of theft of property if the person knowingly  
10 obtains or exerts unauthorized control over the  
11 property of another, with intent to deprive the  
12 owner of the property; and a person commits the  
13 crime of receiving stolen property if the person  
14 intentionally receives, retains, or disposes of  
15 stolen property knowing that it has been stolen or  
16 having reasonable grounds to believe that it has  
17 been stolen. Criminal penalties for these crimes  
18 are based on the value of the property in question.

19 This bill would provide that a person who  
20 knowingly obtains or exerts unauthorized control  
21 over a catalytic converter belonging to another, or  
22 who knowingly receives, retains, or disposes of a  
23 stolen catalytic converter, knowing that it has  
24 been stolen or having reasonable grounds to believe  
25 that it has been stolen, is guilty of the crime of  
26 theft of a catalytic converter, and would provide a  
27 criminal penalty for a violation.

1                   Amendment 621 of the Constitution of Alabama  
2                   of 1901, as amended by Amendment 890, now appearing  
3                   as Section 111.05 of the Official Recompilation of  
4                   the Constitution of Alabama of 1901, prohibits a  
5                   general law whose purpose or effect would be to  
6                   require a new or increased expenditure of local  
7                   funds from becoming effective with regard to a  
8                   local governmental entity without enactment by a  
9                   2/3 vote unless: it comes within one of a number of  
10                  specified exceptions; it is approved by the  
11                  affected entity; or the Legislature appropriates  
12                  funds, or provides a local source of revenue, to  
13                  the entity for the purpose.

14                  The purpose or effect of this bill would be  
15                  to require a new or increased expenditure of local  
16                  funds within the meaning of the amendment. However,  
17                  the bill does not require approval of a local  
18                  governmental entity or enactment by a 2/3 vote to  
19                  become effective because it comes within one of the  
20                  specified exceptions contained in the amendment.

21  
22                                   A BILL  
23                                   TO BE ENTITLED  
24                                   AN ACT

25  
26                   Relating to crimes and offenses; to create the crime  
27                   of theft of a catalytic converter; to provide a criminal

1 penalty for a violation; and in connection therewith would  
2 have as its purpose or effect the requirement of a new or  
3 increased expenditure of local funds within the meaning of  
4 Amendment 621 of the Constitution of Alabama of 1901, as  
5 amended by Amendment 890, now appearing as Section 111.05 of  
6 the Official Recompilation of the Constitution of Alabama of  
7 1901.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. (a) A person commits the crime of theft  
10 of a catalytic converter if the person does any of the  
11 following:

12 (1) Knowingly obtains or exerts unauthorized control  
13 over a catalytic converter belonging to another, with intent  
14 to deprive the owner of the catalytic converter.

15 (2) Knowingly receives, retains, or disposes of a  
16 stolen catalytic converter, knowing that it has been stolen or  
17 having reasonable grounds to believe that it has been stolen,  
18 unless the catalytic converter is received, retained, or  
19 disposed of with intent to restore it to the owner.

20 (b) Theft of a catalytic converter is a Class C  
21 felony.

22 Section 2. Although this bill would have as its  
23 purpose or effect the requirement of a new or increased  
24 expenditure of local funds, the bill is excluded from further  
25 requirements and application under Amendment 621, as amended  
26 by Amendment 890, now appearing as Section 111.05 of the  
27 Official Recompilation of the Constitution of Alabama of 1901,

1 as amended, because the bill defines a new crime or amends the  
2 definition of an existing crime.

3 Section 3. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.