

# **Unlawful Catalytic Converter Municipal Ordinance Presentation Item 4.1**

## **San José Police Department Request Overview**

February 6, 2024



**Lt. Brent McKim, San José Police Department**



# Background

## Catalytic Converters:

**Mandated in the U.S. since 1975, catalytic converters neutralize harmful gases in engine exhaust that contribute to air pollution and smog and are bolted to the underside of cars or trucks as part of their exhaust system.**

### **Valuable Metals:**

- Platinum
- Rhodium
- Palladium
- Other rare earth metals



# Background

## Catalytic Converter (CC) Theft

### Stolen Catalytic Converters:

#### Recyclers' Revenue\*:

- \$50 - \$250 gas vehicle CC
- \$800 Hybrid vehicle CC
  - 39% Toyota

#### Victims' Costs\*:

- \$1,000 - \$3,500 to replace
- > 64,000 stolen in 2022 in U.S.
  - 288% increase over 2021
- 24,000 stolen in California (37%)

\*National Insurance Crime Bureau 5/11/2023



# Background

## Catalytic Converter Theft

### San José Catalytic Converter Theft Reports

- 2021: 1509 Reports
- 2022: 1843 Reports
- 2023: 836 Reports

### Costs to San José Residents

- > \$4 Million to replace
- Lost wages

### Public Safety



# Background

## Current Law:

**Theft:** Catch them in the act (in progress or video)

### **Possession of Stolen Property:**

- Prove the Catalytic was stolen
- Need a specific victim – tie CC to a specific vehicle

## Current Solution:

### **SJPD “Etch and Protect” Program:**

- Free etching of license plate numbers on CC
- 2022-2023: 425 residents took advantage of the program

**November 2023** – SJPD stopped a stolen vehicle with 14 stolen catalytic converters. None were etched. DA filed no charges on the catalytic converters



# Background

## What's been done?

### **State Senate Bill 1087 – September 2022**

- Amended Section 21610 of the California Business and Professions Code
- Recyclers must provide documentation that the seller obtained the CC in a legal manner

### **Los Angeles City Ordinance – Approved April 2023**

- Misdemeanor to be in possession of a CC without “lawful possession” documentation
  - Up to 6 months in Jail
  - Up to \$1,000 per violation (each CC is a violation)



# Proposal

## New Ordinance

### **Implement SJMC 10.20.180: Prohibition of Unlawful Possession of Catalytic Converters**

- Misdemeanor to be in possession of a CC without “lawful possession” documentation
- Up to 6 months in Jail
- Up to \$1,000 per violation (each CC is a violation)

### **Amend the Administration Citation Schedule of Fines**

- \$1,000 per stolen catalytic converter for a first offense.
- \$2,000 per stolen catalytic converter for a second offense\*
- \$4,000 per stolen catalytic converter for a third and subsequent violations\*

\*Within a 12-month period from the date of the first violation.



# Proposal

## Documentation

- Bill of sale from the original owner with photographs.
- Documentation from an auto-body shop proving that the owner relinquished the catalytic converter to the auto-body shop.
- Verifiable electronic communication from the previous owner to the possessor relinquishing ownership of the catalytic converter.
- Photographs of the vehicle from which the catalytic converter originated.
- Vehicle registration associated with the catalytic converter containing an etched associated license plate number or vehicle identification number.





# QUESTIONS

