

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3005

By: Sims

AS INTRODUCED

An Act relating to crimes and punishments; making certain acts unlawful; providing penalties; presuming that certain property has been stolen or wrongfully obtained; allowing presumption to be rebutted by proof; providing list of circumstances to consider when inquiring about certain property; providing an exception; defining term; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1743 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any person who shall receive, transport, or possess in this state one or multiple stolen automotive catalytic converters or the components thereof under such circumstances that the person knew or should have known that the same was stolen shall, upon conviction, be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or confined in the county jail for a term of not less than ninety (90) days nor more than two

1 hundred (200) days, or fined not less than One Hundred Dollars
2 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by both
3 such fine and imprisonment.

4 B. Every person who, without making reasonable inquiry, buys,
5 receives, conceals, withholds, or aids in concealing or withholding
6 an automotive catalytic converter which has been stolen, embezzled,
7 obtained by false pretense, or robbery, or otherwise feloniously
8 obtained, under such circumstances as should cause such person to
9 make reasonable inquiry to ascertain that the person from whom such
10 property was bought or received had the legal right to sell or
11 deliver the property, shall be presumed to have bought or received
12 such property knowing it to have been so stolen or wrongfully
13 obtained. This presumption may, however, be rebutted by proof.

14 C. As provided for in subsection B of this section,
15 circumstances causing a person to make such a reasonable inquiry to
16 ascertain that the person from whom the property is bought or
17 received has the legal right to sell or deliver said property shall
18 include, but not be limited to, the presence of rough, uneven pipe
19 edges indicating said automotive catalytic converter was cut from a
20 vehicle and a lack of documentation regarding the original sale,
21 purchase, or ownership of said automotive catalytic converter.

22 D. The provisions of this section shall not apply to automotive
23 catalytic converters in use and attached to a vehicle.

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1 E. As used in this section, "automotive catalytic converter"
2 means the emission control device that is part of the exhaust system
3 located on gas- or diesel-powered motor vehicles.

4 SECTION 2. This act shall become effective November 1, 2022.

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6 58-2-8428 GRS 11/15/21
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