

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**
1.2 **re-referred**

1.3 **S.F. No. 5:** A bill for an act relating to public safety; establishing requirements for the
1.4 purchase or acquisition of catalytic converters; providing for penalties; amending Minnesota
1.5 Statutes 2022, sections 325E.21, subdivisions 1, 1b, 2, 4, 5, 6, by adding subdivisions;
1.6 609.5316, subdivision 3.

1.7 Reports the same back with the recommendation that the bill be amended as follows:

1.8 Page 2, line 17, after "metal" insert "or a motor vehicle"

1.9 Page 2, lines 19, 20, 25, 27, and 30, after "metal" insert "or motor vehicle"

1.10 Page 3, lines 2 and 12, after "metal" insert "or motor vehicle"

1.11 Page 3, line 3, after the first "metal" insert "or motor vehicle" and after the second "metal"
1.12 insert "or motor vehicle"

1.13 Page 3, line 15, after "converters" insert "or motor vehicles"

1.14 Page 4, delete section 6 and insert:

1.15 "Sec. 6. Minnesota Statutes 2022, section 325E.21, subdivision 6, is amended to read:

1.16 Subd. 6. **Criminal penalty.** ~~A scrap metal dealer, or the agent, employee, or~~
1.17 ~~representative of the dealer,~~ (a) A person who intentionally violates a provision of this
1.18 section, except for subdivision 11, 12, or 13, is guilty of a misdemeanor.

1.19 (b) A person who violates subdivision 11, 12, or 13 is guilty of a:

1.20 (1) misdemeanor, if the person possesses, purchases, or acquires one catalytic converter;

1.21 (2) gross misdemeanor, if the person possesses, purchases, or acquires two catalytic
1.22 converters;

1.23 (3) felony, and may be sentenced to imprisonment for not more than five years or to
1.24 payment of a fine of not more than \$10,000, or both, if the person possesses, purchases, or
1.25 acquires at least three but not more than ten catalytic converters;

1.26 (4) felony, and may be sentenced to imprisonment for not more than ten years or to
1.27 payment of a fine of not more than \$20,000, or both, if the person possesses, purchases, or
1.28 acquires more than ten but not more than 70 catalytic converters; and

1.29 (5) felony, and may be sentenced to imprisonment for not more than 20 years or to
1.30 payment of a fine of not more than \$100,000, or both, if the person possesses, purchases,
1.31 or acquires more than 70 catalytic converters.

2.1 The number of catalytic converters possessed, purchased, or acquired by a person within
2.2 any six month period may be aggregated and the person charged accordingly. When two
2.3 or more offenses are committed by the same person in two or more counties, the person
2.4 may be prosecuted in any county in which one of the offenses was committed for all of the
2.5 offenses aggregated under this paragraph.

2.6 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
2.7 committed on or after that date."

2.8 Page 7, after line 15, insert:

2.9 "Sec. 10. Minnesota Statutes 2022, section 325E.21, is amended by adding a subdivision
2.10 to read:

2.11 Subd. 14. **Exception; recovered catalytic converters.** The penalties provided in
2.12 subdivisions 11, 12, and 13, do not apply to persons who possess, purchase, or acquire
2.13 catalytic converters marked as recovered contraband as provided in section 609.5316,
2.14 subdivision 1, paragraph (b).

2.15 Sec. 11. Minnesota Statutes 2022, section 325E.21, is amended by adding a subdivision
2.16 to read:

2.17 Subd. 15. **Vehicle electronic database requirement.** (a) Scrap metal dealers must
2.18 completely and accurately enter all the record information required by subdivision 1b for
2.19 the purchase or acquisition of a motor vehicle into the electronic database approved by the
2.20 commissioner of public safety described in subdivision 13, paragraph (c), by the close of
2.21 business each day.

2.22 (b) A scrap metal dealer must display a sign of sufficient size, in a conspicuous place
2.23 in the premises, which informs all patrons that transactions are reported to law enforcement
2.24 daily.

2.25 (c) The commissioner of public safety must make the information on the electronic
2.26 database available to a law enforcement agency, including federal law enforcement agencies
2.27 and law enforcement agencies with jurisdiction outside of Minnesota.

2.28 **EFFECTIVE DATE.** This section is effective August 1, 2024.

2.29 Sec. 12. Minnesota Statutes 2022, section 609.5316, subdivision 1, is amended to read:

2.30 Subdivision 1. **Contraband.** (a) Except as otherwise provided in this subdivision, if the
2.31 property is contraband, the property must be summarily forfeited and either destroyed or

3.1 used by the appropriate agency for law enforcement purposes. Upon summary forfeiture,
 3.2 weapons used must be destroyed by the appropriate agency unless the agency decides to
 3.3 use the weapons for law enforcement purposes or sell the weapons in a commercially
 3.4 reasonable manner to federally licensed firearms dealers, as defined in section 624.7161,
 3.5 subdivision 1. If a weapon is sold under this subdivision, the proceeds must be distributed
 3.6 under section 609.5315, subdivision 5 or 5b.

3.7 (b) If the contraband property is a catalytic converter, the appropriate agency shall sell
 3.8 it to a scrap metal dealer or other business that may lawfully possess it under section 325E.21.
 3.9 The agency shall make reasonable efforts to determine whether the person from whom it
 3.10 was stolen can be identified. If able to do this, the agency shall forward the proceeds to that
 3.11 person. If unable to do this, the agency may keep 70 percent of the proceeds from the sale
 3.12 and forward the remaining 30 percent to the prosecutorial office that prosecuted the case
 3.13 resulting in the forfeiture. If the catalytic converter is not marked as required in section
 3.14 325E.21, the agency shall mark it in a permanent manner, including but not limited to an
 3.15 engraving or permanent ink, indicating that the converter is recovered contraband.

3.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
 3.17 committed on or after that date."

3.18 Renumber the sections in sequence

3.19 Amend the title numbers accordingly

3.20 And when so amended the bill do pass and be re-referred to the Committee on Finance.

3.21 Amendments adopted. Report adopted.

3.22 .....
 3.23 (Committee Chair)

3.24 February 8, 2023.....
 3.25 (Date of Committee recommendation)