

## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager    **DATE:** January 9, 2023  
**SUBJECT:** Consider Ordinance No. 3774, amending Chapter 50 of the Code of Ordinances, by adopting Article V, Section 50-60, possession of a used catalytic converter.  
**PRESENTER:** Mike Young, Assistant Police Chief

### **SUMMARY:**

The City of North Richland Hills Ordinance #3774 will allow law enforcement officers to more adequately address the rising number of catalytic converter thefts within the City of North Richland Hills. As a result of the increased value of precious metals contained within catalytic converters primarily platinum, rhodium, and palladium there has been a surge of thefts within North Richland Hills and across the nation as a whole. This vehicle component can be removed from a vehicle in seconds with nothing more than an electrical reciprocating saw. At present, there is an absence of applicable state law to address the possession of a catalytic converter that has been cut from a vehicle without proper proof of ownership. This leaves law enforcement officers with few options when coming into contact with persons found to be in possession of these components absent further evidence proving a theft has occurred. This ordinance will create a violation for not being in lawful possession of a catalytic converter that has been cut from a vehicle. The amendment to Chapter 50 of the City of North Richland Hills Code of Ordinances will work to aid law enforcement officers to help reduce the number of catalytic converter thefts that occur in and around this community.

### **GENERAL DESCRIPTION:**

A vehicle component commonly known as a catalytic converter is utilized in practically all modern vehicle exhaust systems to help reduce airborne pollutants from vehicles created through the combustion process. To accomplish this, precious metals consisting of platinum, palladium and rhodium are incorporated within the vehicle part, making it worth from \$300 to \$1,500 each, depending on the type of catalytic converter. A stolen catalytic converter can be sold intact, or the metals can be extracted directly through chemical processes. The catalytic converter is installed along the exhaust system directly under a vehicle making it easy to access from the underside. This device can be removed from a vehicle's exhaust system in seconds with nothing more than a battery-powered reciprocating saw. As a result of the value and ease of removal, criminal enterprises have formed to benefit from this lucrative item which provides a quick cash source for criminals. Unfortunately, current crime trends indicate as one criminal group is taken down and arrested another group moves in to fill the void, thus creating a perpetual crime issue.



On June 18, 2021, the 87th Texas Legislature enacted H.B. 4110 to address this issue better; however, the bill only addresses those trying to sell or purchase catalytic converters to a recycling facility. This bill did not address the possession of catalytic converters and did little to create a meaningful deterrent to the theft of these devices. In 2021, the City of North Richland Hills had a total of 120 catalytic converter thefts, with that number only to rise yet again in 2022, where there were 129 catalytic converters reported stolen. This constitutes 14.5% of the reported thefts in 2022 within the City of North Richland Hills.

Chapter 50, Article V of the City Code of Ordinances section 50-60 would designate that possession of a catalytic converter is an offense if they intentionally or knowingly possess a used catalytic converter that was cut from a motor vehicle other than a metal recycling entity. Cutting, by far, is the most common method to remove a catalytic converter during a theft. It would be an affirmative defense to prosecution, however, if the person or entity can provide legitimate proof of ownership of the vehicle from which the catalytic converter was removed from. Additionally, it is an affirmative defense to prosecution if the person presents proof that the catalytic converter was lawfully passed from the legal owner of the vehicle. This ordinance will not apply to a person or entity that demonstrates a legal right to possession of one or more catalytic converters, such as an automotive repair facility, valid used parts automotive recycler, or secondary metal recycler as defined in Chapter 18, Article XI of the Code of Ordinances, City of North Richland Hills, Texas. Violations of this ordinance will not exceed \$500.

The approval of Ordinance 3774 will enable law enforcement officers to further investigate those who are in possession of one or more catalytic converters that have been cut from a vehicle. This ordinance will provide the ability for law enforcement to better safeguard the community against those who would seek to do harm to citizens' property and hold those accountable who would otherwise be free to continue committing these types of thefts.

**RECOMMENDATION:**

Approve Ordinance No. 3774.