
**Public Safety & Emergency Preparedness
Committee**

HB 2322

Brief Description: Making the operation of a motor vehicle chop shop a crime.

Sponsors: Representatives Kelley and Hurst.

Brief Summary of Bill

- Establishes the crime of Operation of a Motor Vehicle Chop Shop as a class B felony offense.

Hearing Date: 1/24/12

Staff: Yvonne Walker (786-7841).

Background:

A variety of statutory provisions exist with respect to vehicle theft.

Motor Vehicle Theft.

A person is guilty of Theft of a Motor Vehicle if the person commits theft of a motor vehicle. Theft of a Motor Vehicle is a seriousness level II, class B felony offense.

Possession of a Stolen Vehicle.

A person is guilty of Possession of a Stolen Motor Vehicle if he or she possesses a stolen vehicle. Possession of a Stolen Motor Vehicle is a seriousness level II, class B felony offense.

Taking a Motor Vehicle Without Permission.

A person is guilty of Taking a Motor Vehicle without Permission in the first degree, if the person intentionally takes a motor vehicle without permission and he or she:

- alters the vehicle to change its appearance or identification numbers;
- removes parts from the vehicle with the intent to sell the parts;

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- exports or attempts to export the vehicle out-of-state or out of the country for profit;
- intends to sell the vehicle; or
- is engaged in a conspiracy that has as its objective the theft of motor vehicles for sale to others for profit or is engaged in a conspiracy and has solicited a juvenile to participate in the theft of the vehicle.

Taking a Motor Vehicle without Permission in the first degree is ranked as a seriousness level V, class B felony offense under the Sentencing Reform Act. Taking a Motor Vehicle without Permission in the second degree occurs when a person intentionally takes a motor vehicle without permission or voluntarily rides in a vehicle knowing it was taken without permission (i.e., joyriding). Taking a Motor Vehicle without Permission in the second degree is a seriousness level I, class C felony offense.

Making or Possession of Vehicle Theft Tools.

A person who makes, mends, uses, or possesses tools commonly used for the commission of vehicle theft is guilty of Making or Having Vehicle Theft Tools, a gross misdemeanor offense. A motor vehicle theft tool includes, but is not limited to, the following: slim jim, false master key, master purpose key, altered or shaved key, trial or jiggler keys, slide hammer, lock puller, picklock, bit, nippers, and any other implement shown by facts and circumstances that is intended to be used in the commission of a motor vehicle related theft.

Sentencing Reform Act and Scoring.

In the case of multiple prior convictions for the purpose of computing an offender's score, if the present conviction is for an offense involving Theft of a Motor Vehicle, Possession of a Stolen Motor Vehicle, or Taking a Motor Vehicle without Permission, an offender receives:

- one point for each prior conviction involving Vehicle Prowling in the second degree; and
- three points for each prior conviction involving Theft of a Motor vehicle, Possession of a Stolen Motor Vehicle, or Taking a Motor Vehicle without Permission.

Summary of Bill:

A new crime is created called Operation of a Motor Vehicle Chop Shop.

A person is guilty of operating a motor vehicle chop shop if he or she owns, operates, maintains, or controls a chop shop or conducts operations in a chop shop. A "chop shop" is defined as any business, building, lot, facility, location, or other structure or premise where one or more persons engage in receiving, concealing, destroying, disassembling, dismantling, reassembling, or storing any stolen motor vehicle or motor vehicle part which has been unlawfully obtained in order to alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number, of such vehicle or vehicle part and to distribute, sell, or dispose of such vehicle or vehicle part.

Operation of a Motor Vehicle Chop Shop is punishable as a seriousness level II, class B felony. The presumptive sentence range for a first-time offender is zero to 90 days in jail.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.