

DOWNEY POLICE DEPARTMENT

TRAINING



BULLETIN

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Chief of Police

No. 23-02

Unlawful Possession of Catalytic Converters

On May 23, 2023, the City Council of the City of Downey added Section 4180.1 “Unlawful Possession of Catalytic Converters” to Chapter 1.5 of Article IV (“Public Welfare, Morals, and Policy”) to the Downey Municipal Code. This section states in part, “it is unlawful for any person, other than a Core Recycler, to possess any catalytic converter that is not attached to a vehicle, unless the person has verifiable proof of ownership of the catalytic converter.” A violation of this section is a misdemeanor offense.

Refer to the listed definitions and elements for a complete outline of the code. Any enforcement action taken and property seized should be within policy as outlined in Downey Police Department Manual Sections 100.3 “Law Enforcement Authority” and 801.3 “Property and Handling.”

4180 Definitions.

As used in this Chapter, the following words and phrases shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. “City” shall mean the City of Downey.
- B. “Core Recycler” shall have the same meaning as set forth in California Business & Professions Code Section 21610.
- C. “Enforcement Officer” shall mean any person authorized to enforce the provisions of this Chapter.
- D. “Lawful possession” shall include:
 - 1. Being the lawful owner of the catalytic converter; or,
 - 2. Being in possession of the catalytic converter with the written consent of the lawful owner of the catalytic converter.
- E. “Verifiable proof of ownership” shall mean, at a minimum, all of the following:
 - 1. The license plate number and Vehicle Identification Number (“VIN”)

of the motor vehicle from which the catalytic converter was removed;

2. The name, address, and telephone number of the owner of the motor vehicle from which the catalytic converter was removed;

3. Either the signature of the vehicle owner authorizing the removal of the catalytic converter or a bill of sale or other documentation from the Core Recycler that relinquished the catalytic converter; and,

4. The name, address, and telephone number of the current owner of the catalytic converter.

4180.1 Unlawful Possession of a Catalytic Converter

A. **Unlawful Possession.** It shall be unlawful for any person, other than a Core Recycler who is in strict compliance with California Business & Professions Code Section 21610, to possess any catalytic converter that is not attached to a vehicle, unless the person has verifiable proof of ownership of the catalytic converter.

B. An Enforcement Officer shall not stop any person for a violation of this Section based solely on the possession of a catalytic converter without additional indicia that the catalytic converter is unlawfully possessed, including, but not limited to, any of the following:

1. The catalytic converter has been cut or otherwise shows marks or damage consistent with illicit removal;

2. The person in possession of the catalytic converter concurrently possesses tools commonly used in the illicit removal of catalytic converters;

3. The catalytic converter has markings that associate it with a particular vehicle or with a particular make or model of vehicle not associated with the person in possession of the catalytic converter;

4. The person in possession of the catalytic converter matches the description of suspect of a theft of a catalytic converter as provided by a witness or as otherwise identified through a law enforcement investigation; or,

5. The person in possession of, or has sold or attempted to sell, multiple catalytic converters outside the scope of the legitimate activities of a Core Recycler that acquired the catalytic converter(s) in compliance with the provisions of California Business & Professions Code Section 21610.

C. In any prosecution for a violation of this Section, the prosecutorial agency does not need to present a victim nor to demonstrate that the catalytic converter has been stolen in order to establish that the defendant is not in lawful possession of the catalytic converter.

4180.2 Falsification of Proof of Ownership

It shall be unlawful and a misdemeanor for any person to knowingly:

A. Falsify or cause to be falsified any information in a record intended to demonstrate verifiable proof of ownership; or,

B. Provide, submit, or report any false information or documentation to any person authorized to an Enforcement Officer that is intended to demonstrate valid proof of ownership.

4180.3 Violations and Penalties

A. **Violations.** Any person who violates any provision of this Chapter, or who fails to comply with any obligation or requirement of this Chapter, is guilty of a misdemeanor offense punishable in accordance with Section 1200 of this Code.

B. **Separate Offense.** Each and every catalytic converter unlawfully possessed shall constitute a separate violation and shall be punishable accordingly as such.

C. **Alternative Remedies.** The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

SECTION 4. If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have adopted this Chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.