



DIVISION OF POLICE

Curtis Baker, Chief of Police

To: Ohio House Criminal Justice Committee
From: Michael Binder, Lieutenant, Reynoldsburg Division of Police
Date: April 4, 2022
RE: H.B. 408 Proponent Testimony

Chairman LeRe, Vice Chair Swearingen, Ranking Member Leland, and members of the Ohio House Criminal Justice Committee:

Good morning, and thank you for allowing me to speak in favor of Ohio House Bill 408. My name is Lieutenant Michael Binder, and I am the Patrol Bureau Commander for the Reynoldsburg Division of Police. Reynoldsburg is a suburb of Columbus, located in eastern Franklin County, as well as parts of Licking and Fairfield Counties. I've worked for the Reynoldsburg Division of Police for nearly 18 years, and during my tenure I've served in various roles to include patrol, investigations, and supervisory positions.

I worked as a detective for six years, working mostly property crimes. Those six years were some of the most rewarding years of my career because of my role in serving justice to those who made victims out of the citizens I protect. The part of that job that brought me the most satisfaction was being able to tell the victims that I had found the people responsible for their crime. On some occasions, I was even able to return items of sentimental value or familial value that had been stolen, such as wedding rings.

Conversely, some of my deepest occupational lows came while investigating these same crimes. I was not able to solve every crime that I worked on. I talked to the victims, and I felt their anger, frustration, and disruption to their lives as they worked through all the emotions that go along with being a victim. I often found myself being the person the victim was angry at, because the suspect was not found, and I was the only person they could express their feelings to.

Experiencing these highs and lows is one reason I am committed to being part of positive change in the criminal justice system when I see something that is negatively affecting the citizens of Ohio.

Today in Ohio, our citizens are dealing with a major increase in catalytic converter thefts, and they are paying the price. According to the National Insurance Crime Bureau¹, catalytic converter thefts rose nationwide from 3,389 thefts in 2019 to 14,433 in 2020, and the numbers continue to rise. The reasoning behind the increase in thefts is likely the prices of precious

metals including platinum, palladium, and rhodium, which are all used to make catalytic converters.

Catalytic converters are required exhaust system components of modern gasoline engines that mitigate harmful emissions from being sent into the air. Vehicles cannot be driven if the catalytic converter has been cut off, as doing so violates emission control laws and laws against excessive muffler noise.

Thieves are able to cut off the catalytic converter, sometimes in less than one minute, by crawling under a vehicle and using a battery powered reciprocating saw. After stealing one from a vehicle, the thieves are able to easily sell them at one of the dozens of scrap metal dealers in their local area for between \$50 and \$200 per catalytic converter.

The current law allows anyone to sell a catalytic converter to a scrap metal dealer and get cash at the time of the sale. The current law does nothing to require proof of ownership or where the converter came from, or limit the number of converters that can be sold over subsequent days. Scrap metal dealers are also complicit in incentivizing this crime in ways such as advertising. A scrap metal dealer, just a few miles to the east of my jurisdiction, has an electronic signboard that reads "WE PAY TOP DOLLAR FOR CATALYTIC CONVERTERS²," all while a surge in thefts plagues the area surrounding this dealer.

I myself have been a victim of this theft twice in recent months. After the first theft, I painted my converter with heat resistant spray paint and engraved my vehicle's VIN number into the converter. I learned this tip from various online resources to deter theft of catalytic converters. Even with these incredible easy to identify markings, my catalytic converter was stolen a second time. I contacted several scrap dealers in the area and found them unwilling to assist when I provided them with the description of my stolen property.

From my own personal theft, I know that the replacement parts alone generally cost between \$700 and \$1,500. The cost of installation will always push the price above \$1,000 to replace and repair a stolen catalytic converter, and frequently costs above \$2,000. Each time my catalytic converter was stolen, it cost nearly \$3,000 to install a new one. This also doesn't take into account the cost of rental vehicles, lost wages from work while people deal with reporting the theft and arranging for repairs, and any other lost time or use of the vehicle.

Officers at my agency recently arrested two suspected catalytic converter thieves who were caught in the act of a theft. Both men were arrested and felony charges were forwarded to the local felony prosecutor's office. The prosecutor's office declined to accept felony charges based on the current law, along with a 1984 case law, *State v. Chaney*³. In this case law, it is established that the value of the stolen car parts is not determined based on the replacement value, but simply on fair market trade value based on the condition of the use part.

The logic from the Chaney case is outdated and problematic, but that case is the current precedent. Based on *State v. Chaney*, any theft of a catalytic converter will always be a

misdemeanor, as the scrap value of the part will always be lower than \$1,000. Conversely, the value of new parts and installation is almost always over \$1,000, and as I said previously, frequently surpasses \$2,000. This gap, created by the Chaney decision, prevents thieves who do thousands of dollars in damage at each theft to be only criminally liable for a misdemeanor crime.

I think it is also important to tell you that in the State v. Chaney decision, Justice Locher urged the legislature of the State of Ohio to revisit laws pertaining to stolen car parts, and to provide clear rules for the protection of its citizens.

As you can see, the rising metal prices, popularity and ease of stealing these parts, along with the failure of the current law to impose a penalty and restrictions upon sale of catalytic converters does nothing but incentivize these thefts.

Ohio law enforcement's hands are tied. Thefts of catalytic converters are happening more frequently than ever before, and most parts can't be traced because they lack identifying characteristics, and scrap metal dealers are buying cut off converters without restriction. Moreover, when law enforcement does catch one of these thieves, we're unable to get proper justice with deserving felony charges.

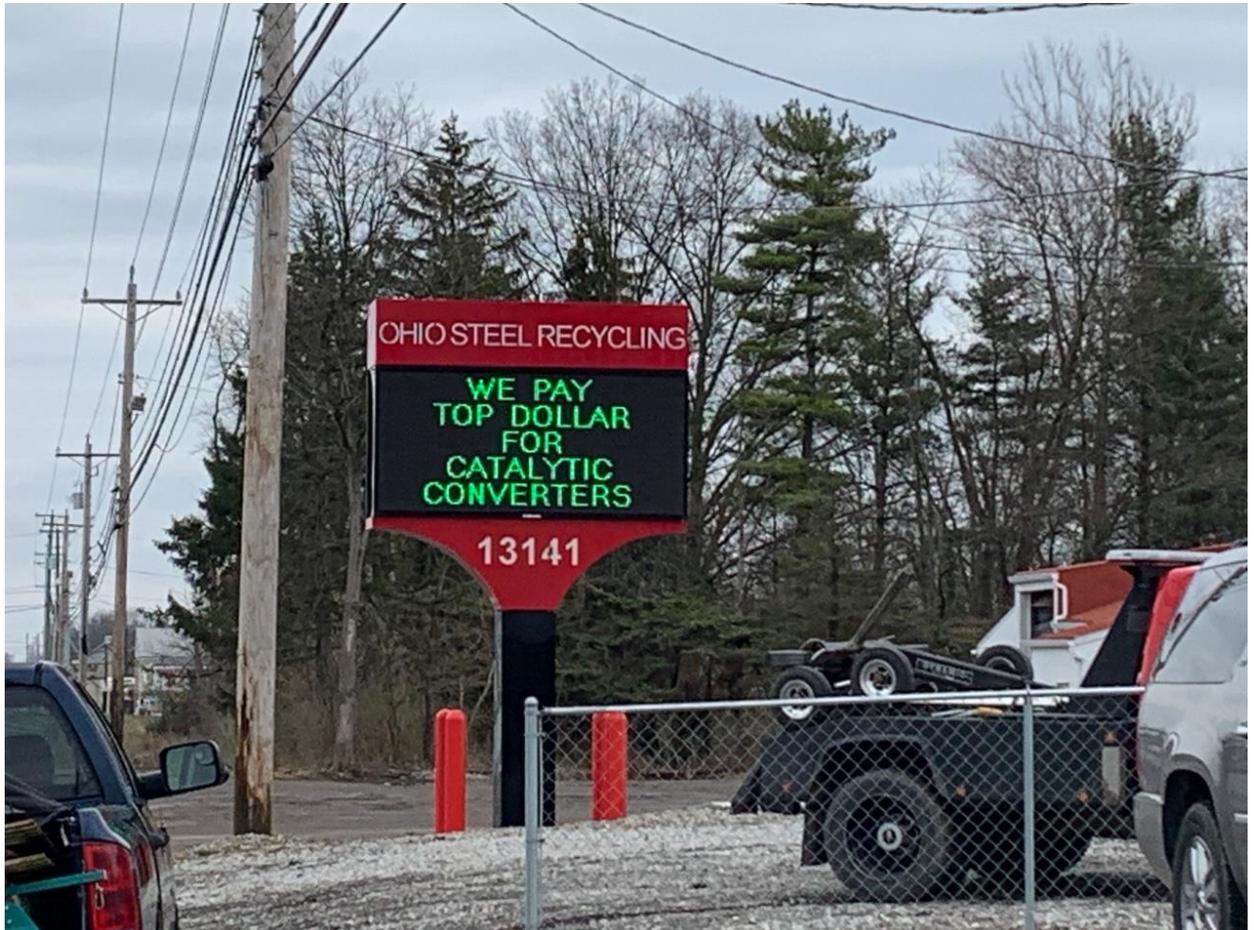
The changes to Ohio law proposed in Ohio House Bill 408 fix the loopholes that are currently allowing catalytic converter thieves to run rampant through our state. This bill categorizes catalytic converters as special purchase articles, which will make selling stolen converters much more difficult due to licensing, proof of ownership requirements, and bulk sales restrictions. This bill also properly classifies thefts of catalytic converters as felony level crimes, which are consistent with current theft laws concerning stolen property value in the State of Ohio.

I respectfully ask you to act without delay to pass Ohio House Bill 408, giving Ohio law enforcement the tools we need to stop this crime from affecting our citizens. No law can completely prevent any one crime, but this bill closes the door on criminals who currently have much incentive to steal, and very little consequences if caught.

References:

¹ *Catalytic Converter Thefts Skyrocket Across the Nation*. National Insurance Crime Bureau. (n.d.). Retrieved April 4, 2022, from <https://www.nicb.org/news/blog/catalytic-converter-thefts-skyrocket-across-nation>

2



³ *State v. Chaney, Case Text* (Supreme Court of Ohio June 27, 1984). Retrieved April 4, 2022, from <https://casetext.com/case/state-v-chaney-28>.