



Senate

General Assembly

File No. 425

February Session, 2000

Substitute Senate Bill No. 459

Senate, April 5, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning The Alteration, Defacing Or Removal Of Vehicle Identification Numbers.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-122 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) A person is guilty of larceny in the first degree when he commits
4 larceny, as defined in section 53a-119, and: (1) The property or service,
5 regardless of its nature and value, is obtained by extortion, (2) the
6 value of the property or service exceeds ten thousand dollars, (3) the
7 property consists of a motor vehicle, the value of which exceeds ten
8 thousand dollars, or (4) the property is obtained by defrauding a
9 public community, and the value of such property exceeds two
10 thousand dollars.

11 (b) For purposes of this section, "motor vehicle" means any motor
12 vehicle, construction equipment, agricultural tractor or farm

13 implement or major component part of any of the above. In any
14 prosecution under subdivision (3) of subsection (a) of this section,
15 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
16 alteration, mutilation or removal of a vehicle identification number
17 shall be prima facie evidence [of a] (A) that the person in control or
18 possession of such motor vehicle knows or should have known that
19 such motor vehicle is stolen, and (B) that such person possesses such
20 motor vehicle with larcenous intent.

21 (c) Larceny in the first degree is a class B felony.

22 Sec. 2. Section 53a-123 of the general statutes is repealed and the
23 following is substituted in lieu thereof:

24 (a) A person is guilty of larceny in the second degree when he
25 commits larceny, as defined in section 53a-119, and: (1) The property
26 consists of a motor vehicle, the value of which exceeds five thousand
27 dollars, (2) the value of the property or service exceeds five thousand
28 dollars, (3) the property, regardless of its nature or value, is taken from
29 the person of another, (4) the property is obtained by defrauding a
30 public community, and the value of such property is two thousand
31 dollars or less, or (5) the property, regardless of its nature or value, is
32 obtained by embezzlement, false pretenses or false promise and the
33 victim of such larceny is sixty years of age or older or is blind or
34 physically disabled, as defined in section 1-1f.

35 (b) For purposes of this section, "motor vehicle" means any motor
36 vehicle, construction equipment, agricultural tractor or farm
37 implement or major component part of any of the above. In any
38 prosecution under subdivision (1) of subsection (a) of this section,
39 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
40 alteration, mutilation or removal of a vehicle identification number
41 shall be prima facie evidence [of a] (A) that the person in control or
42 possession of such motor vehicle knows or should have known that
43 such motor vehicle is stolen, and (B) that such person possesses such

44 motor vehicle with larcenous intent.

45 (c) Larceny in the second degree is a class C felony.

46 Sec. 3. Section 53a-124 of the general statutes is repealed and the
47 following is substituted in lieu thereof:

48 (a) A person is guilty of larceny in the third degree when he
49 commits larceny, as defined in section 53a-119, and: (1) The property
50 consists of a motor vehicle, the value of which is five thousand dollars
51 or less; (2) the value of the property or service exceeds one thousand
52 dollars; (3) the property consists of a public record, writing or
53 instrument kept, held or deposited according to law with or in the
54 keeping of any public office or public servant; or (4) the property
55 consists of a sample, culture, microorganism, specimen, record,
56 recording, document, drawing or any other article, material, device or
57 substance which constitutes, represents, evidences, reflects or records a
58 secret scientific or technical process, invention or formula or any phase
59 or part thereof. A process, invention or formula is "secret" when it is
60 not, and is not intended to be, available to anyone other than the
61 owner thereof or selected persons having access thereto for limited
62 purposes with his consent, and when it accords or may accord the
63 owner an advantage over competitors or other persons who do not
64 have knowledge or the benefit thereof.

65 (b) For purposes of this section, "motor vehicle" means any motor
66 vehicle, construction equipment, agricultural tractor or farm
67 implement or major component part of any of the above. In any
68 prosecution under subdivision (1) of subsection (a) of this section,
69 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
70 alteration, mutilation or removal of a vehicle identification number
71 shall be prima facie evidence [of a] (A) that the person in control or
72 possession of such motor vehicle knows or should have known that
73 such motor vehicle is stolen, and (B) that such person possesses such
74 motor vehicle with larcenous intent.

75 (c) Larceny in the third degree is a class D felony.

76 Sec. 4. Section 14-149 of the general statutes is repealed and the
77 following is substituted in lieu thereof:

78 (a) No person shall purchase, sell or have in [his] such person's
79 possession any motor vehicle, including construction equipment, or a
80 major component part thereof, as defined in section 14-67h, or
81 agricultural tractors or farm implements with a mutilated, altered or
82 removed vehicle identification, factory or engine number or a number
83 which shows evidence of having been tampered with, except as
84 hereinafter provided.

85 (b) Any officer, upon discovery of any motor vehicle, including
86 construction equipment, or major component part thereof, as defined
87 in section 14-67h, or agricultural tractors or farm implements, the
88 vehicle identification, engine or factory number of which has been
89 mutilated, altered or removed, shall take such motor vehicle or major
90 component part if not affixed to such vehicle, or agricultural tractor or
91 farm implement into [his] such officer's custody. Any such motor
92 vehicle or major component part or agricultural tractor or farm
93 implement shall be disposed of in accordance with the provisions of
94 section 54-36a, as amended. Such officer may take into custody the
95 operator of such motor vehicle or agricultural tractor or farm
96 implement or person in possession of such part and present [him] such
97 operator or person before a proper court. No such operator or person
98 shall be discharged from custody until [he] such operator or person
99 has proved to the satisfaction of the court the ownership of such motor
100 vehicle or such part or such agricultural tractor or farm implement and
101 [his] such operator's or person's right to its custody, provided any such
102 operator or person may be admitted to bail pending proceedings
103 thereon. If such operator or person is unable to establish ownership of
104 such motor vehicle or such part or such agricultural tractor or farm
105 implement to the satisfaction of the court, the court shall order such

106 motor vehicle or part to be forfeited and turned over to the police
107 department or agency whose officer seized such motor vehicle or part
108 or agricultural tractor or farm implement to be used for such
109 department or agency's purposes or sold at auction with the proceeds
110 given to such department or agency. No officer shall be personally
111 liable for any official act done under the provisions of this section.

112 (c) Any officer, upon discovery of any motor vehicle, construction
113 equipment, agricultural tractor or farm implement which has been
114 reported as stolen, shall take such motor vehicle, construction
115 equipment, agricultural tractor or farm implement into [his] such
116 officer's custody and have it returned to its rightful owner or, if such
117 owner cannot be determined or if such motor vehicle, construction
118 equipment, agricultural tractor or farm implement is needed for
119 evidence, shall have it taken to and stored in a suitable place.

120 (d) No motor vehicle shall be registered unless it has permanently
121 cut, impressed or embossed on some portion thereof a factory, serial or
122 identification number or mark. Any person who knowingly has in [his]
123 such person's possession any motor vehicle, construction equipment,
124 agricultural tractor or farm implement from which the factory, serial or
125 other identification number has been removed, defaced, obliterated or
126 changed shall forthwith file with the commissioner a sworn statement
127 describing such motor vehicle, construction equipment, agricultural
128 tractor or farm implement and showing the source of [his] such
129 person's title and, if known, the reason for such removal, defacement,
130 obliteration or change, together with a fee in the amount of fifty
131 dollars. If satisfied as to the facts, the commissioner may grant
132 permission to cut, impress or emboss permanently into the motor of
133 such motor vehicle, construction equipment, agricultural tractor or
134 farm implement a special identification number or mark which shall
135 thereafter be deemed sufficient for the purpose of registration of such
136 motor vehicle, construction equipment, agricultural tractor or farm
137 implement. No person shall wilfully remove, deface, obliterate or

138 change or cause to be removed, obliterated, defaced or changed any
139 factory, serial or other identification number or mark on or from any
140 motor vehicle, construction equipment, agricultural tractor or farm
141 implement.

142 (e) Any person who violates any provision of this section shall, [be
143 fined not more than five hundred dollars or imprisoned not more than
144 one year or both for each violation] for the first offense, be fined not
145 more than two thousand five hundred dollars or imprisoned not more
146 than three years, or both, and, for the second or subsequent offense, be
147 fined not more than five thousand dollars or imprisoned not more than
148 five years, or both.

149 Sec. 5. Subsection (a) of section 14-149a of the general statutes is
150 repealed and the following is substituted in lieu thereof:

151 (a) As used in this section:

152 (1) "Chop shop" means any area, building, storage lot, field or any
153 other premises or place, except an impoundment or storage area
154 authorized by and under the control or direction of a state or
155 municipal law enforcement agency, (A) where one or more persons are
156 engaged or have engaged in altering, dismantling, reassembling or in
157 any way concealing or disguising the identity of a stolen motor vehicle
158 or of any major component part of a stolen motor vehicle, (B) where
159 there are three or more stolen motor vehicles present, or (C) where
160 there are major component parts from three or more stolen motor
161 vehicles present.

162 (2) "Major component part" means one of the following parts of a
163 motor vehicle: (A) The engine, (B) the transmission, (C) the right or left
164 front fender, (D) the hood, (E) a door allowing entrance to or egress
165 from the passenger compartment of the vehicle, (F) the front or rear
166 bumper, (G) the right or left rear quarter panel, (H) the deck lid,
167 tailgate or hatchback, (I) the trunk floor pan, (J) the cargo box of a

168 pickup, (K) the frame, or if the vehicle has a unitized body, the
 169 supporting structure or structures which serve as the frame, (L) the cab
 170 of a truck, (M) the body of a passenger vehicle, or (N) any other part of
 171 a motor vehicle which the Commissioner of Motor Vehicles determines
 172 is comparable in design or function to any of the parts listed in
 173 subparagraphs (A) to (M), inclusive, of this subdivision.

174 (3) "Motor vehicle" means motor vehicle, as defined in section 14-1,
 175 but shall include construction equipment, agricultural tractors and
 176 farm implements.

Statement of Legislative Commissioners:

In sections 1, 2 and 3, subparagraph indicators (A) and (B) were added and the phrase "it is possessed" was changed to "such person possesses such motor vehicle" for clarity of reference.

PS Committee Vote: Yea 14 Nay 0 JFS-LCO C/R JUD

JUD Committee Vote: Yea 40 Nay 0 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost, Potential Indeterminate Revenue Gain, Minimal Cost

Affected Agencies: Various Criminal Justice Agencies

Municipal Impact: Potential Indeterminate Revenue Gain Potential Minimal Cost,

Explanation

State and Municipal Impact:

This bill could result in a cost to the criminal justice system and revenue gain to the state by expanding the definition of various larceny crimes related to altering, mutilating, or removing a vehicle identification number (VIN) and increasing penalties related to other vehicle identification number crimes. In the latter case, the bill changes penalties for a first offense to a fine of not more than \$2,500 and up to 3 years imprisonment and for the second or subsequent offense a fine of not more than \$5,000 and up to 5 years imprisonment. Under current law, these violations are subject to a fine of not more than \$500 and up to a year imprisonment. The extent to which this may occur is unknown, but is not anticipated to be significant. Any revenue gain from additional criminal fines is anticipated to be minimal.

The bill also expands the definition of “motor vehicle” to include

construction and farm equipment and agricultural tractors in larceny cases. Since the Department of Motor Vehicles' Anti-Theft and Dealers and Repairers Unit are charged with checking VIN numbers, passage of this bill could result in a minor administrative impact on these units. However, any workload increase can be performed within existing resources.

The bill also specifies that state and local law enforcement officers must handle stolen construction equipment, tractors, or farm implements in the same manner as they handle stolen motor vehicles. This would result in a minimal workload increase to the law enforcement agencies that would be accomplished with existing staff and within existing resources. A potential revenue gain could result from the ability of law enforcement agencies to sell such seized and forfeited items at public auction.

State Revenue from Larceny in the 1st, 2nd, and 3rd Degrees

The following table shows the total offenses and the total revenue collected from criminal fines for 1999, according to court statistics, for larceny in the first, second, and third degrees. Also included in the table is the average 1999 inmate population for these crimes when larceny is the primary charge.

Statute Number	Statute Name	Total 1999		
		Total Off.	Total Rev.	Avg. DOC Population
53a-122	LARCENY 1 st DEG	1,033	\$12,000	211
53a-123	LARCENY 2 nd DEG	1,435	\$12,250	245
53a-124	LARCENY 3 rd DEG	3,061	\$46,170	273

OLR Bill Analysis

sSB 459

AN ACT CONCERNING THE ALTERATION, DEFACING OR REMOVAL OF VEHICLE IDENTIFICATION NUMBERS.**SUMMARY:**

This bill includes construction equipment, agricultural tractors, and farm implements within the meaning of the term "motor vehicle" for purposes of the criminal statutes governing (1) larceny; (2) possessing a motor vehicle or a major component part of a motor vehicle with a mutilated, altered, or removed vehicle identification, factory, or engine number; (3) altering, removing, obliterating, or defacing an identification number; and (4) operating an illegal motor vehicle "chop shop." For most purposes, these three types of equipment fall outside of the general definition of a motor vehicle because they are not normally operated on a highway and are not required to be registered as motor vehicles.

The bill increases the criminal penalty for (1) willfully removing, changing, obliterating, or defacing a vehicle's factory serial or other identification number and (2) knowingly purchasing, selling, or possessing a vehicle or major component part with a mutilated, altered, or removed vehicle identification, factory, or engine number. The penalty increases from a fine of up to \$500, imprisonment for up to one year, or both, to a fine of up to \$2,500, imprisonment for up to three years, or both, for a first offense and a fine of up to \$5,000, imprisonment for up to five years, or both, for a second or subsequent offense.

With respect to the larceny statutes, the bill also makes possessing a motor vehicle with an altered, mutilated, or removed vehicle identification number prima facie evidence that the person in control or possession of the vehicle knows or should have known that the vehicle was stolen. Current law states only that it is prima facie evidence of "larcenous intent." (Prima facie evidence is evidence that

is sufficient to support but not compel a conclusion.)

EFFECTIVE DATE: October 1, 2000

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Change of Reference

Yea 14 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0