

2015 -- H 6228

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO COMMERCIAL LAW - SALE OF USED PRECIOUS METALS

Introduced By: Representatives Lima, McNamara, Hull, Shekarchi, and Edwards

Date Introduced: May 21, 2015

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 6-11.1-5 of the General Laws in Chapter 6-11.1 entitled "Purchase  
2 and Sale of Precious Metals" is hereby amended to read as follows:

3 ~~6-11.1-5. Fourteen-day holding period -- Recovery of stolen property -- Return to~~  
4 ~~rightful owner. --~~ Twenty-one-day holding period -- Recovery of stolen property -- Return to

5 rightful owner. -- (a) All persons licensed under this chapter shall retain in their possession in an  
6 unaltered condition for a period of ~~fourteen (14)~~ twenty-one (21) days all precious metals or  
7 articles made from or containing a precious metal including catalytic converters except items of  
8 bullion, including coins, bars, and medallions, that do not contain serial numbers or other  
9 identifying marks. The ~~fourteen-day (14)~~ twenty-one-day (21) holding period shall commence  
10 with the date the report of its acquisition was delivered to or received by the chief of police or the  
11 attorney general, whichever is later. The records so received by the chief of police and the  
12 attorney general shall be available for inspection only by law enforcement officers for law  
13 enforcement purposes. If the chief of police has probable cause that precious metals or an article  
14 made from or containing a precious metal has been stolen, he or she may give notice, in writing,  
15 to the person licensed, to retain the metal or article for an additional period of fifteen (15) days,  
16 and the person shall retain the property for this additional fifteen-day (15) period, unless the  
17 notice is recalled, in writing, within the fifteen-day (15) period. Within the fifteen-day (15) period  
18 the chief of police, or his or her designee, shall designate, in writing, an officer to secure the  
19 property alleged to be stolen and the persons in possession of the property shall deliver the

1 property to the officer upon display of the officer's written designation by the chief of police or  
2 his or her designee. Upon receipt of the property from the officer, the clerk or person in charge of  
3 the storage of alleged stolen property for a police department shall enter into a book a description  
4 of every article of property alleged to be stolen that was brought to the police department and  
5 shall attach a number to each article. The clerk or person in charge of the storage of alleged stolen  
6 property shall deliver the property to the owner of the property upon satisfactory proof of  
7 ownership, without any cost to the owner, provided that the following steps are followed:

8 (1) A complete photographic record of the property is made;

9 (2) A signed declaration of ownership under penalty of perjury is obtained from the  
10 person to whom the property is delivered;

11 (3) The person from whom the custody of the property was taken is served with written  
12 notice of the claim of ownership and is given ten (10) days from the mailing of the notice to file a  
13 petition in district court objecting to the delivery of the property to the person claiming  
14 ownership. If a petition is filed in a timely manner, the district court shall, at a hearing, determine  
15 by a preponderance of the evidence that the property was stolen and that the person claiming  
16 ownership of the property is the true owner. The decision of the district court may only be  
17 appealable by writ of certiorari to the supreme court.

18 (b) The clerk or person in charge of the storage of alleged stolen property shall not be  
19 liable for damages for any official act performed in good faith in the course of carrying out the  
20 provisions of this section. The photographic record of the alleged stolen property shall be allowed  
21 to be introduced as evidence in any court of this state in place of the actual alleged stolen  
22 property; provided that the clerk in charge of the storage of the alleged stolen property shall take  
23 photographs of the property and those photographs shall be tagged and marked and remain in his  
24 possession or control.

25 SECTION 2. This act shall take effect on September 1, 2015.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO COMMERCIAL LAW - SALE OF USED PRECIOUS METALS

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1           This act would increase (from fourteen (14) days to twenty-one (21) days) the time that  
2 licensed vendors of precious metals and articles have to hold such items before they can be  
3 resold.

4           This act would take effect on September 1, 2015.

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