

## **COMMITTEE BILL ANALYSIS**

**Bill:** House Bill 80

**Printer's No.:** 2066

**Sponsor:** Rep. Metcalfe

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, to establish the criminal offense of theft of secondary metal.

### **Summary:**

#### **Offense defined**

A person commits the offense of theft of secondary metal if the person unlawfully takes or attempts to take possession of, carries away or exercises unlawful control over any secondary metal with the intent to deprive the rightful owner of it.

#### **Grading**

This offense is a misdemeanor of the third degree when the value of the secondary metal is less than \$50. The offense is a misdemeanor of the second degree when the value of the secondary metal is \$50 or more but less than \$200. The offense is a misdemeanor of the first degree when the value of the secondary metal is \$200 or more but less than \$1,000. The offense is a felony of the third degree when the value of the secondary metal is \$1,000 or more.

An offense under this section also constitutes a felony of the third degree when the offense is a third or subsequent offense.

#### **Secondary metal**

The term "secondary metal" means wire, pipe, or cable commonly used by communications, gas and electrical utilities, railroads and mass transit or commuter rail agencies, or copper, aluminum or other metal, or a combination of metals, that is valuable for recycling or reuse as raw material.

#### **Effective date**

This act takes effect in 60 days.

**BACKGROUND:** The House of Representatives passed House Bill 80 on June 25, 2013 by a vote of 197 to 2.

**Legislative history**

Earlier this session the Senate Judiciary Committee considered nearly identical legislation, Senate Bill 688. On April 30, 2013, the Senate Judiciary Committee reported Senate Bill 688 from committee. On May 6, 2013, the Senate passed Senate Bill 688 by a vote of 50 to 0. On October 22, 2013, the House Consumer Affairs Committee reported Senate Bill 688 from committee as amended. The House of Representatives tabled the bill.

Last session this legislation was introduced as House Bill 2032. The House of Representatives passed House Bill 2032 by a vote of 192 to 3. The Senate Judiciary Committee amended and reported House Bill 2032 from committee. The Senate tabled the bill.