

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 688

Printer's No.: 672

Sponsor: Senator Waugh

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 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 property is less than \$50. The offense is a misdemeanor of the second degree when the value is \$50 or more but less than \$200. The offense is a misdemeanor of the first degree when the value is \$200 or more but less than \$1,000. The offense is a felony of the third degree when the value 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: According to the sponsor, "This proposal is in response to rising prices for metals, including copper, and to deter the theft of wire, cable, or pipe from homes, businesses, construction sites, and utility infrastructure. Theft of these materials poses very real concern for the public, ranging from the disruption of services to serious catastrophe."

Legislative history

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. This session the legislation has been introduced as House Bill 80 and Senate Bill 688. The Senate Judiciary Committee amendment further defined “secondary metal” and that amendatory language has been included in the bills this session.