
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 688 Session of
2013

INTRODUCED BY WAUGH, STACK, ERICKSON, TARTAGLIONE, FERLO,
RAFFERTY, KASUNIC, BREWSTER, FONTANA, FARNESE, YUDICHAK,
SOLOBAY, WHITE, PILEGGI AND VULAKOVICH, MARCH 14, 2013

REFERRED TO JUDICIARY, MARCH 14, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining the offense of theft of
3 secondary metal; and prescribing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3935. Theft of secondary metal.

9 (a) Offense defined.--A person commits the offense of theft
10 of secondary metal if the person unlawfully takes or attempts to
11 take possession of, carries away or exercises unlawful control
12 over any secondary metal with intent to deprive the rightful
13 owner thereof.

14 (b) Grading.--Except as set forth in subsection (c):

15 (1) An offense under this section constitutes a
16 misdemeanor of the third degree when the value of the
17 secondary metal unlawfully obtained is less than \$50.

18 (2) When the value of the secondary metal unlawfully

1 obtained is \$50 or more but less than \$200 the offense
2 constitutes a misdemeanor of the second degree.

3 (3) When the value of the secondary metal unlawfully
4 obtained is \$200 or more but less than \$1,000 the offense
5 constitutes a misdemeanor of the first degree.

6 (4) When the value of the secondary metal unlawfully
7 obtained is \$1,000 or more, the offense constitutes a felony
8 of the third degree.

9 (c) Third or subsequent offenses.--An offense under this
10 section constitutes a felony of the third degree when the
11 offense is a third or subsequent offense, regardless of the
12 value of the secondary metal. For purposes of this subsection, a
13 first offense includes a conviction, acceptance of Accelerated
14 Rehabilitative Disposition or other form of preliminary
15 disposition before the sentencing on the present violation for
16 an offense under this section or an offense substantially
17 similar to an offense under this section.

18 (d) Definition.--As used in this section, the term
19 "secondary metal" means any of the following that is valuable
20 for recycling or reuse as raw material:

21 (1) Wire, pipe or cable commonly used by any of the
22 following:

23 (i) Communications, gas and electrical utilities.

24 (ii) Railroads.

25 (iii) Mass transit or commuter rail agencies.

26 (2) Copper, aluminum or other metal, or a combination of
27 metals.

28 Section 2. This act shall take effect in 60 days.