

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, VULAKOVICH AND BROWNE,
MARCH 14, 2013

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 29, 2014

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, FURTHER PROVIDING FOR THE OFFENSE OF <--
3 CRIMINAL TRESPASS; defining the offense of theft of secondary
4 metal; and prescribing penalties.

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

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

9 SECTION 1. SECTION 3503(B.1) OF TITLE 18 OF THE PENNSYLVANIA <--
10 CONSOLIDATED STATUTES IS AMENDED TO READ:

11 § 3503. CRIMINAL TRESPASS.

12 * * *

13 (B.1) SIMPLE TRESPASSER.--

14 (1) A PERSON COMMITS AN OFFENSE IF, KNOWING THAT HE IS
15 NOT LICENSED OR PRIVILEGED TO DO SO, HE ENTERS OR REMAINS IN
16 ANY PLACE FOR THE PURPOSE OF:

17 (I) THREATENING OR TERRORIZING THE OWNER OR OCCUPANT

1 OF THE PREMISES;

2 (II) STARTING OR CAUSING TO BE STARTED ANY FIRE UPON
3 THE PREMISES; [OR]

4 (III) DEFACING OR DAMAGING THE PREMISES[.]; OR

5 (IV) UNLAWFULLY TAKING SECONDARY METAL FROM THE
6 PREMISES.

7 (2) AN OFFENSE UNDER [THIS SUBSECTION] PARAGRAPH (1) (IV)
8 CONSTITUTES A FIRST DEGREE MISDEMEANOR. AN OFFENSE UNDER
9 PARAGRAPH (1) (I), (II) OR (III) CONSTITUTES A SUMMARY
10 OFFENSE.

11 * * *

12 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
13 § 3935. Theft of secondary metal.

14 (a) Offense defined.--A person commits the offense of theft
15 of secondary metal if the person unlawfully takes or attempts to
16 take possession of, carries away or exercises unlawful control
17 over any secondary metal with intent to deprive the rightful
18 owner thereof.

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

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

23 (2) When the value of the secondary metal unlawfully
24 obtained is \$50 or more but less than \$200 the offense
25 constitutes a misdemeanor of the second degree.

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

29 (4) When the value of the secondary metal unlawfully
30 obtained is \$1,000 or more, the offense constitutes a felony

1 of the third degree.

2 (c) Third or subsequent offenses.--An offense under this
3 section constitutes a felony of the third degree when the
4 offense is a third or subsequent offense, regardless of the
5 value of the secondary metal. For purposes of this subsection, a
6 first AND SECOND offense includes a conviction, acceptance of <--
7 Accelerated Rehabilitative Disposition or other form of
8 preliminary disposition before the sentencing on the present
9 violation for an offense under this section or an offense
10 substantially similar to an offense under this section UNDER <--
11 SECTION 3921 (RELATING TO THEFT BY UNLAWFUL TAKING OR
12 DISPOSITION).

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

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

18 (i) Communications, gas and electrical utilities.

19 (ii) Railroads.

20 (iii) Mass transit or commuter rail agencies.

21 (2) Copper, aluminum or other metal, or a combination of
22 metals.

23 Section 2 3. This act shall take effect in 60 days. <--