

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 147 Session of  
2001

INTRODUCED BY MUSTO, COSTA AND SCHWARTZ, JANUARY 29, 2001

AS AMENDED ON THIRD CONSIDERATION, MARCH 27, 2001

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, prohibiting the unauthorized taking of  
3 ~~newspapers~~ RECYCLABLE ITEMS from municipal recycling  
4 containers placed for collection. <—

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 § 3935. Theft from municipal recycling containers.

10 (a) Offense defined.--A person commits a summary offense if  
11 the person, without prior authorization to do so, removes any  
12 ~~newspapers that other persons have sorted, bundled or baled for~~ <—  
13 ~~recycling or~~ RECYCLABLE ITEM placed in a municipal recycling <—  
14 container of another person for collection by a municipality.

15 (B) NOTICE.--EACH MUNICIPALITY SHALL ESTABLISH A PUBLIC <—  
16 INFORMATION AND EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF  
17 THIS SECTION. THE GOVERNING BODY OF A MUNICIPALITY MAY, IN ITS  
18 DISCRETION AS IT DEEMS NECESSARY AND APPROPRIATE, PLACE AN

1 ADVERTISEMENT IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
2 MUNICIPALITY, POST A NOTICE IN PUBLIC PLACES WHERE PUBLIC  
3 NOTICES ARE CUSTOMARILY POSTED, INCLUDING A NOTICE WITH OTHER  
4 OFFICIAL NOTIFICATIONS PERIODICALLY MAILED TO RESIDENTIAL  
5 TAXPAYERS OR UTILIZE ANY COMBINATION OF THE FOREGOING.

6 ~~(b)~~ (C) Penalty.--A person who commits an offense under this <—  
7 section shall be sentenced to pay a fine of not more than \$300  
8 or, in the alternative and at the discretion of the court, to  
9 perform community service for not fewer than eight hours nor  
10 more than 16 hours.

11 ~~(c)~~ Definition. As used in this section, the term <—  
12 "municipal recycling container" means a container that is owned

13 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING <—  
14 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
15 SUBSECTION:

16 "MUNICIPAL RECYCLING CONTAINER." A CONTAINER THAT IS OWNED  
17 by a municipality or a party under a contract with a  
18 municipality and is clearly marked as to ownership and supplied  
19 to a person for the deposit of newspapers and other materials to  
20 be collected.

21 "RECYCLABLE ITEM." ANY OF THE FOLLOWING: <—

22 (1) CLEAR GLASS OR COLORED GLASS.

23 (2) ALUMINUM, STEEL OR BIMETALLIC CAN.

24 (3) HIGH-GRADE OFFICE PAPER OR CORRUGATED PAPER.

25 (4) PLASTIC.

26 (5) NEWSPAPER THAT OTHER PERSONS HAVE SORTED, BUNDLED OR  
27 BAILED FOR RECYCLING.

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