

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2032 Session of 2011

INTRODUCED BY METCALFE, BOYD, CREIGHTON, CUTLER, DONATUCCI,
EVERETT, FARRY, GABLER, GIBBONS, GILLEN, GILLESPIE, GINGRICH,
GROVE, HESS, MARSHALL, MILLER, MILNE, MURT, RAPP AND
VULAKOVICH, NOVEMBER 28, 2011

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 28, 2011

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.

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

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

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

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

19 (d) Definition.--As used in this section, the term
20 "secondary metal" means wire or cable commonly used by
21 communications and electrical utilities, copper, aluminum or
22 other metal, or a combination of metals, that is valuable for
23 recycling or reuse as raw material.

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