

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2032 Session of 2011

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

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SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, OCTOBER 2,  
2012

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## 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

1 secondary metal unlawfully obtained is less than \$50.

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

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

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

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

20 (d) Definition.--As used in this section, the term  
21 "secondary metal" means wire, PIPE or cable commonly used by ←  
22 communications, GAS and electrical utilities AND RAILROADS AND ←  
23 MASS TRANSIT OR COMMUTER RAIL AGENCIES, copper, aluminum or  
24 other metal, or a combination of metals, that is valuable for  
25 recycling or reuse as raw material.

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