



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 80

PRINTERS NO. 2066

PRIME SPONSOR: Metcalfe

### COST / (SAVINGS)

| FUND         | FY 2012/13 | FY 2013/14               |
|--------------|------------|--------------------------|
| General Fund | \$0        | See Fiscal Impact below. |

**SUMMARY:** House Bill 80 amends the Crimes Code by adding the new offense of theft of secondary metal. It would take effect in 60 days.

**ANALYSIS:** This legislation adds section 3935 to the Crimes Code concerning the theft of secondary metal. Secondary metal is defined as wire pipe or cable commonly used by communications, gas and electrical utilities and railroads and mass transit or commuter rail agencies, copper, aluminum or other metal, or a combination of metals, valuable for recycling or reuse as raw material.

The offense is graded as follows:

1. When the value of the metal is less than \$50, the theft is a misdemeanor of the third degree with a maximum penalty of one year in prison and a \$2,500 fine.
2. When the value of the metal is \$50 or more but less than \$200, the theft is a misdemeanor of second degree with a maximum penalty of two years in prison and a \$5,000 fine.
3. When the value of the metal is \$200 or more but less than \$1,000, the theft is a misdemeanor of the first degree with a maximum penalty of five years in prison and a \$10,000 fine.
4. When the value of the metal is \$1,000 or more, the theft is a felony of the third degree with a maximum penalty of seven years in prison and a \$15,000 fine.

When the offense is a third or subsequent offense, regardless of the value of the metal stolen, the theft is a felony of the third degree.

**FISCAL IMPACT:** This legislation could eventually impact Commonwealth and local finances due to increased prison sentences for thefts of secondary metal. However, no reliable data exist to estimate how many individuals may be arrested, convicted, and sentenced for theft of secondary metal, and at what values within the offense grading scale summarized above.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** June 25, 2013

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*