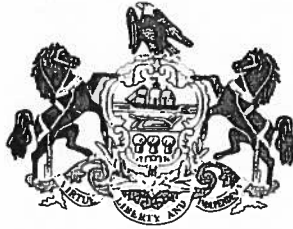


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STATE GOVERNMENT COMMITTEE
CHAIRMAN

MEMORANDUM

TO: All House Members

FROM: Representative Daryl D. Metcalfe
12th Legislative District

DATE: March 17, 2011

RE: Proposed Legislation
Theft of Secondary Metal

J. J. M.

I have been contacted by a number of business owners in my district who have been the victims of theft of copper wiring and other scrap metals used in business.

As it turns out, the theft of this material is a problem in many states. According to the National Conference of State Legislatures, as of December 2008, 33 states enacted laws regulating scrap metal sale or criminalizing scrap metal theft. I believe Pennsylvania should join these states.

Consequently, this legislation creates the offense of Theft of Secondary Metal. The new section in the Crimes Code states, "A person is guilty of theft of secondary metal if he unlawfully takes or attempts to take possession of, carries away or exercises unlawful control over any secondary metal with intent to deprive the rightful owner thereof."

The term "secondary metal" is defined as, "wire or cable commonly used by communications and electrical utilities, copper, aluminum, or other metal, or combination of metals, that is valuable for the recycling or reuse as raw material."

The grading of the offense follows the scheme of other theft offenses found in the Crimes Code in that the grading is enhanced when the value of the secondary metal increases. Thus, an offense constitutes a misdemeanor of the second degree when the value of the secondary metal unlawfully obtained is less than \$50. When the value of the secondary metal unlawfully obtained is \$50 but less than \$200, the offense constitutes a misdemeanor of the first degree. When the value of the secondary metal unlawfully obtained is \$200 but less than \$1,000, the

offense constitutes a felony of the third degree. When the value of the secondary metal unlawfully obtained exceeds \$1,000, the offense constitutes a felony of the second degree.

A third or subsequent offense constitutes a felony of the second degree when the offense is a third or subsequent offense, regardless of the value of the secondary metal.

If you would like to be added as a cosponsor of this legislation, please contact Jessica Smith at 783-1707 or via email at jasmith@pahousegop.com.

DDM/jas