

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 under subsection (c), an
15 offense under this section constitutes a:

16 (1) Misdemeanor of the third degree if the value of the
17 secondary metal unlawfully obtained is less than \$50.

18 (2) Misdemeanor of the second degree if the value of the

1 secondary metal unlawfully obtained is \$50 or more but less
2 than \$200.

3 (3) Misdemeanor of the first degree if the value of the
4 secondary metal unlawfully obtained is \$200 or more but less
5 than \$1,000.

6 (4) Felony of the third degree if the value of the
7 secondary metal unlawfully obtained is \$1,000 or more.

8 (c) Prior offenses.--A person who violates this section and
9 who has committed a prior offense commits a felony of the third
10 degree and shall, upon conviction, be sentenced to pay a fine of
11 not less than \$2,500 nor more than \$15,000 or to imprisonment
12 for not more than seven years, or both. As used in this
13 subsection, the term "prior offense" shall mean a conviction,
14 adjudication of delinquency, acceptance of Accelerated
15 Rehabilitative Disposition or other form of preliminary
16 disposition, occurring before the sentencing on the present
17 violation, for any of the following:

18 (1) an offense under this section; or

19 (2) an offense substantially similar to an offense under
20 this section, including an offense under a prior law of this
21 Commonwealth or an offense under a law of another
22 jurisdiction.

23 (d) Definition.--As used in this section, the term
24 "secondary metal" means any of the following that is valuable
25 for recycling or reuse as raw material:

26 (1) Wire, pipe or cable commonly used by any of the
27 following:

28 (i) Communications, gas and electrical utilities.

29 (ii) Railroads.

30 (iii) Mass transit or commuter rail agencies.

1 (2) Copper, aluminum or other metal or a combination of
2 metals.

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