

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 80 Session of 2013

INTRODUCED BY METCALFE, CLYMER, D. COSTA, COX, GILLEN, GROVE, C. HARRIS, HESS, KAUFFMAN, KORTZ, LONGIETTI, MILLARD, O'NEILL, PASHINSKI, PETRI, READSHAW, ROCK, SAYLOR, SWANGER, TOEPEL, WATSON, FREEMAN, R. MILLER, MULLERY, GABLER, FARRY, EVANKOVICH, TOOHIL, MARSHALL AND CALTAGIRONE, JANUARY 10, 2013

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 6, 2014

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, FURTHER PROVIDING FOR THE OFFENSE OF <--
3 CRIMINAL TRESPASS; defining the offense of theft of secondary
4 metal; and prescribing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 ~~Section 1. Title 18 of the Pennsylvania Consolidated <--
8 Statutes is amended by adding a section to read:~~

9 ~~SECTION 1. SECTION 3503(B.1) OF TITLE 18 OF THE PENNSYLVANIA <--
10 CONSOLIDATED STATUTES IS AMENDED TO READ:~~

11 SECTION 1. SECTION 3503(B.1) AND (D) OF TITLE 18 OF THE <--
12 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

13 § 3503. CRIMINAL TRESPASS.

14 * * *

15 (B.1) SIMPLE TRESPASSER.--

16 (1) A PERSON COMMITS AN OFFENSE IF, KNOWING THAT HE IS

1 NOT LICENSED OR PRIVILEGED TO DO SO, HE ENTERS OR REMAINS IN
2 ANY PLACE FOR THE PURPOSE OF:

3 (I) THREATENING OR TERRORIZING THE OWNER OR OCCUPANT
4 OF THE PREMISES;

5 (II) STARTING OR CAUSING TO BE STARTED ANY FIRE UPON
6 THE PREMISES; [OR]

7 (III) DEFACING OR DAMAGING THE PREMISES[.]; OR

8 (IV) UNLAWFULLY TAKING SECONDARY METAL FROM THE
9 PREMISES.

10 (2) AN OFFENSE UNDER [THIS SUBSECTION] PARAGRAPH (1) (IV)
11 CONSTITUTES A FIRST DEGREE MISDEMEANOR. AN OFFENSE UNDER
12 PARAGRAPH (1) (I), (II) OR (III) CONSTITUTES A SUMMARY
13 OFFENSE.

14 * * *

15 (D) [DEFINITION.--AS USED IN THIS SECTION, THE TERM "SCHOOL <--
16 GROUNDS" MEANS ANY] DEFINITIONS.--AS USED IN THIS SECTION, THE
17 FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO
18 THEM IN THIS SUBSECTION:

19 "SCHOOL GROUNDS." ANY BUILDING OF OR GROUNDS OF ANY
20 ELEMENTARY OR SECONDARY PUBLICLY FUNDED EDUCATIONAL INSTITUTION,
21 ANY ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE
22 DEPARTMENT OF EDUCATION, ANY ELEMENTARY OR SECONDARY PAROCHIAL
23 SCHOOL, ANY CERTIFIED DAY-CARE CENTER OR ANY LICENSED PRESCHOOL
24 PROGRAM.

25 "SECONDARY METAL." AS DEFINED IN SECTION 3935 (RELATING TO
26 THEFT OF SECONDARY METAL).

27 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
28 § 3935. Theft of secondary metal.

29 (a) Offense defined.--A person commits the offense of theft
30 of secondary metal if the person unlawfully takes or attempts to

1 take possession of, carries away or exercises unlawful control
2 over any secondary metal with intent to deprive the rightful
3 owner thereof.

4 (b) Grading.--Except as set forth in subsection (c):

5 (1) An offense under this section constitutes a
6 misdemeanor of the third degree when the value of the
7 secondary metal unlawfully obtained is less than \$50.

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

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

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

17 (c) Third or subsequent offenses.--An offense under this
18 section constitutes a felony of the third degree when the
19 offense is a third or subsequent offense, regardless of the
20 value of the secondary metal. For purposes of this subsection, a
21 first and second offense includes a conviction, acceptance of
22 Accelerated Rehabilitative Disposition or other form of
23 preliminary disposition before the sentencing on the present
24 violation for an offense under this section or an offense under
25 section 3921 (relating to theft by unlawful taking or
26 disposition).

27 (d) Definition.--As used in this section, the term
28 "secondary metal" means wire, pipe or cable commonly used by
29 communications, gas and electrical utilities and railroads and
30 mass transit or commuter rail agencies, copper, aluminum or

1 other metal, or a combination of metals, that is valuable for
2 recycling or reuse as raw material.

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

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