

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 AND MARSHALL, JANUARY 10, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 18, 2013

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 AND SECOND offense includes a conviction, acceptance of <--
16 Accelerated Rehabilitative Disposition or other form of
17 preliminary disposition before the sentencing on the present
18 violation for an offense under this section or an offense
19 substantially similar to an offense under this section UNDER <--
20 SECTION 3921 (RELATING TO THEFT BY UNLAWFUL TAKING OR
21 DISPOSITION).

22 (d) Definition.--As used in this section, the term
23 "secondary metal" means wire, pipe or cable commonly used by
24 communications, gas and electrical utilities and railroads and
25 mass transit or commuter rail agencies, copper, aluminum or
26 other metal, or a combination of metals, that is valuable for
27 recycling or reuse as raw material.

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