

No. 2017-8

AN ACT

HB 267

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, defining the offense of theft of secondary metal; and prescribing penalties.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 3935.1. Theft of secondary metal.

(a) Offense defined.—A person commits the offense of theft of secondary metal if the person 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.

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

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

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

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

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

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

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

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

APPROVED—The 22nd day of June, A.D. 2017

TOM WOLF