
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1567 Session of
2015

INTRODUCED BY METCALFE, BENNINGHOFF, GREINER, DIAMOND, V. BROWN,
D. COSTA, PASHINSKI, WARD, MILLARD, RAPP, MCGINNIS, TAYLOR,
BOBACK, CAUSER, WATSON, DUSH, GABLER, PETRI, SAYLOR, GILLEN
AND FARRY, SEPTEMBER 29, 2015

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 29, 2015

AN ACT

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

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

7 Section 1. Section 3935 of Title 18 of the Pennsylvania
8 Consolidated Statutes, added November 6, 2014 (P.L.2921,
9 No.192), is reenacted to read:

10 § 3935. Theft of secondary metal.

11 (a) Offense defined.--A person commits the offense of theft
12 of secondary metal if the person unlawfully takes or attempts to
13 take possession of, carries away or exercises unlawful control
14 over any secondary metal with intent to deprive the rightful
15 owner thereof.

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

17 (1) An offense under this section constitutes a
18 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 under
19 section 3921 (relating to theft by unlawful taking or
20 disposition).

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

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