
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 267 Session of
2017

INTRODUCED BY METCALFE, JAMES, WHEELAND, D. COSTA, GREINER,
NEILSON, O'NEILL, MILLARD, V. BROWN, WATSON, MCGINNIS, WARD,
GABLER, FREEMAN AND KORTZ, JANUARY 31, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2017

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

9 § 3935.1. Theft of secondary metal.

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

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

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

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

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

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

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

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

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