

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

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, JUNE 24, 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 § 3503. CRIMINAL TRESPASS.

12 * * *

13 (B.1) SIMPLE TRESPASSER.--

14 (1) A PERSON COMMITS AN OFFENSE IF, KNOWING THAT HE IS
15 NOT LICENSED OR PRIVILEGED TO DO SO, HE ENTERS OR REMAINS IN
16 ANY PLACE FOR THE PURPOSE OF:

1 (I) THREATENING OR TERRORIZING THE OWNER OR OCCUPANT
2 OF THE PREMISES;
3 (II) STARTING OR CAUSING TO BE STARTED ANY FIRE UPON
4 THE PREMISES; [OR]
5 (III) DEFACING OR DAMAGING THE PREMISES[.]; OR
6 (IV) UNLAWFULLY TAKING SECONDARY METAL FROM THE
7 PREMISES.

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

12 * * *

13 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
14 § 3935. Theft of secondary metal.

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

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

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

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

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

30 (4) When the value of the secondary metal unlawfully

1 obtained is \$1,000 or more, the offense constitutes a felony
2 of the third degree.

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

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

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

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