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AMENDED IN SENATE MAY 29, 2008
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AMENDED IN SENATE JUNE 19, 2007
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AMENDED IN ASSEMBLY MAY 1, 2007
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CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 844

Introduced by Assembly Members Berryhill and Maze
(Principal coauthors: Assembly Members Galgiani and Garrick)
(Principal coauthors: Senators ~~Cogdill~~ *Calderon, Cogdill, and*
Maldonado)
(Coauthors: Assembly Members Adams, Aghazarian, Anderson,
Arambula, Benoit, Blakeslee, Cook, DeVore, Emmerson, Fuller,
Gaines, Garcia, Horton, Houston, Huff, Jeffries, Keene, La Malfa,
Ma, Mullin, Nakanishi, Niello, Parra, Plescia, Sharon Runner,
Salas, Silva, Smyth, Spitzer, Strickland, Tran, Villines, and
Walters)
(Coauthors: Senators ~~Denham and Florez~~ *Florez and Yee*)

February 22, 2007

An act to amend ~~Section 21609 of, and to add Sections 21608.5 and~~
~~21610 Sections 21606, 21606.5, 21608, and 21609 of, and to add Section~~
21608.5 to, the Business and Professions Code, relating to junk dealers.

LEGISLATIVE COUNSEL'S DIGEST

AB 844, as amended, Berryhill. Junk dealers and recyclers: nonferrous material.

Existing law requires junk dealers and recyclers, as defined, to keep written records of all sales and purchases made in the course of their business. Existing law requires these records to include, among other things, the place and date of each sale or purchase of junk, a description of the item of junk, and the personal and vehicle information of the person purchasing or transporting the junk. Existing law exempts certain purchases of scrap metals by a junk dealer or recycler from these provisions. A violation of the provisions regulating junk dealers and recyclers is a crime.

This bill would require a junk dealer or recycler to report the information included in those written records to the chief of police or sheriff, as specified, upon request and on a monthly basis. The bill would authorize the chief of police or sheriff to request weekly reports for no more than a 2-month period, except as specified, if there is an ongoing investigation of the junk dealer or recycler concerning possible criminal activity.

This bill would prohibit a junk dealer or recycler from providing payment for nonferrous material, as defined, unless the payment is made by cash or check, the check is mailed or the cash or check is provided no earlier than 3 days after the date of sale, and the dealer or recycler obtains certain identifying information, as specified, to be retained by the dealer or recycler for a certain period of time. The bill would specify an exception to the payment by cash or check requirement and provide that these requirements do not apply to the redemption of nonferrous materials of a certain value at a recycling center, as specified, or to coin dealers or automobile dismantlers. The bill would also prohibit a city, county, or city and county from adopting an ordinance related to junk dealer or recycler transactions involving nonferrous material, except under specified circumstances.

Under existing law, a knowing and willful violation of the recordkeeping requirements applicable to junk dealers and recyclers is punishable by specified fines, by imprisonment in the county jail for a specified period of time, or by both that fine and imprisonment. Existing law requires that, for a 3rd or subsequent violation, the court order the defendant to stop engaging in business as a junk dealer or recycler for a period of 30 days.

This bill would increase the minimum fines for those violations, as specified, and would also require the court, for a 3rd or subsequent violation, to order the defendant to stop engaging in business as a junk dealer or recycler for a period of not less than one year.

Under existing law, when a peace officer has probable cause to believe that property in the possession of a junk dealer or recycler is stolen, the peace officer may place a hold on that property. Existing law requires a court, upon conviction of a person for the theft of that property, to order the defendant to pay the reasonable costs for the storage of the property.

This bill would also require the court to order the defendant to pay the victim for the value of the property stolen and any reasonable collateral damage caused in the commission of the theft.

Because a violation of this bill's provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires junk dealers and recyclers, as defined, to keep written records of all sales and purchases made in the course of their business. Existing law requires these records to include specified information, including, among other things, the place and date of each sale or purchase of junk, a description of the item of junk, and the personal and vehicle information of the person purchasing or transporting the junk. Existing law exempts certain purchases of scrap metals by a junk dealer or recycler from these provisions. A violation of these provisions regulating junk dealers and recyclers is a crime.~~

~~This bill would prohibit a junk dealer or recycler from providing payment for nonferrous material, as defined, unless the payment is made by check, the check is mailed to the seller or is provided no earlier than 3 days after the date of sale, and the dealer or recycler obtains certain identifying information, as specified, and a photograph of the nonferrous material to be retained by the dealer or recycler for a certain period of time. The bill would specify that this provision does not apply if the junk dealer or recycler has on file or receives certain information from the seller and does not apply to the redemption of nonferrous materials of a certain value at a recycling center, as specified, or to coin dealers~~

~~or automobile dismantlers. The bill would require a court to order a person or a junk dealer or recycler to pay specified damages if the person is convicted of the theft of, or the junk dealer or recycler is convicted of the sale of, property that has been placed on hold by a peace officer. The bill would also authorize a local governing body to adopt and enforce laws that provide consumer protections greater than those in state law regulating junk dealers and recyclers.~~

~~Because a violation of the bill’s provisions would be a crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21606 of the Business and Professions
2 Code is amended to read:

3 21606. (a) Every junk dealer and every recycler shall set out
4 in the written record required by this article all of the following:

5 (1) The place and date of each sale or purchase of junk made
6 in the conduct of his or her business as a junk dealer or recycler.

7 (2) The name, valid driver’s license number and state of issue
8 or California-issued identification card number, and vehicle license
9 number including the state of issue of any motor vehicle used in
10 transporting the junk to the junk dealer’s or recycler’s place of
11 business.

12 (3) The name and address of each person to whom junk is sold
13 or disposed of, and the license number of any motor vehicle used
14 in transporting the junk from the junk dealer’s or recycler’s place
15 of business.

16 (4) A description of the item or items of junk purchased or sold,
17 including the item type and quantity, and identification number,
18 if visible.

19 (5) A statement indicating either that the seller of the junk is
20 the owner of it, or the name of the person he or she obtained it
21 from, as shown on a signed transfer document.

1 (b) ~~Any~~ A person who makes, or causes to be made, ~~any~~ a false
2 or fictitious statement regarding any information required by this
3 section; is guilty of a misdemeanor.

4 (c) (1) *Every junk dealer and every recycler shall report the*
5 *information required under subdivision (a) to the chief of police,*
6 *if the dealer's or recycler's business is located in a city, or to the*
7 *sheriff, if the dealer's or recycler's business is located in an*
8 *unincorporated part of a county, upon request of the chief of police*
9 *or sheriff and on a monthly basis, except as provided in paragraph*
10 (2).

11 (2) *The chief of police or sheriff may request the report*
12 *described in this section on a weekly basis if there is an ongoing*
13 *investigation of the junk dealer or recycler concerning possible*
14 *criminal activity. The chief of police or sheriff may request weekly*
15 *reports for no more than a two-month period unless the*
16 *investigation of the junk dealer or recycler continues and the chief*
17 *of police or sheriff makes a subsequent request for weekly reports*
18 *for an additional two-month period or part thereof.*

19 *SEC. 2. Section 21606.5 of the Business and Professions Code*
20 *is amended to read:*

21 21606.5. Every junk dealer or recycler shall, during normal
22 business hours, allow periodic inspection of any premises
23 maintained and any junk thereon for the purpose of determining
24 compliance with the recordkeeping requirements of this article,
25 and shall during those hours produce his or her records of sales
26 and purchases, *except as provided in paragraph (3) of subdivision*
27 *(a) of Section 21608.5, and all property purchased incident to those*
28 *transactions which is in the possession of the junk dealer or recycler*
29 *for inspection by any of the following persons:*

30 (a) ~~Any~~ An officer holding a warrant authorizing him or her to
31 search for personal property.

32 (b) ~~Any~~ A person appointed by the sheriff of ~~any~~ a county or
33 appointed by the head of the police department of ~~any~~ a city.

34 (c) ~~Any~~ An officer holding a court order directing him or her to
35 examine the records or property.

36 *SEC. 3. Section 21608 of the Business and Professions Code*
37 *is amended to read:*

38 21608. (a) ~~Any~~ A junk dealer or recycler who fails in any
39 respect to keep the written record required by this article, or to set

1 out in that written record any matter required by this article to be
 2 set out therein, is guilty of a misdemeanor.

3 Every junk dealer or recycler who refuses, upon demand pursuant
 4 to Section 21606.5, to exhibit the written record required by this
 5 article, or who destroys that record within two years after making
 6 the final entry of ~~any~~ a purchase or sale of junk therein, is guilty
 7 of a misdemeanor.

8 (b) Any knowing and willful violation of subdivision (a) shall
 9 be punishable as follows:

10 (1) For a first offense, by a fine of not less than ~~five hundred~~
 11 ~~one thousand~~ dollars ~~(\$500)~~ (\$1,000), or by imprisonment in the
 12 county jail for not less than 30 days, or by both ~~the~~ that fine and
 13 imprisonment.

14 (2) For a second offense, by a fine of not less than ~~one two~~
 15 ~~thousand~~ dollars ~~(\$1,000)~~ (\$2,000), or by imprisonment in the
 16 county jail for not less than 30 days, or by both ~~the~~ that fine and
 17 imprisonment. In addition to any other sentence imposed pursuant
 18 to this paragraph, the court may order the defendant to stop
 19 engaging in business as a junk dealer or recycler for a period not
 20 to exceed 30 days.

21 (3) For a third or any subsequent offense, by a fine of not less
 22 than ~~two four~~ thousand dollars ~~(\$2,000)~~ (\$4,000), or by
 23 imprisonment in the county jail for not less than six months, or by
 24 both ~~the~~ that fine and imprisonment. In addition to any other
 25 sentence imposed pursuant to this paragraph, the court shall order
 26 the defendant to stop engaging in business as a junk dealer or
 27 recycler for a period of 30 days *not less than one year*.

28 *SEC. 4. Section 21608.5 is added to the Business and*
 29 *Professions Code, to read:*

30 *21608.5. (a) A junk dealer or recycler in this state shall not*
 31 *provide payment for nonferrous material unless, in addition to*
 32 *meeting the written record requirements of Sections 21605 and*
 33 *21606, all of the following requirements are met:*

34 (1) *The payment for the material is made by cash or check. The*
 35 *check may be mailed to the seller at the address provided pursuant*
 36 *to paragraph (2) or the cash or check may be collected by the*
 37 *seller from the junk dealer or recycler on the third business day*
 38 *after the date of sale.*

39 (2) (A) *Except as provided in subparagraph (B), the junk dealer*
 40 *or recycler obtains a copy of the valid driver's license of the seller*

1 containing a photograph and an address of the seller or a copy of
2 a state or federal government-issued identification card containing
3 a photograph and an address of the seller.

4 (B) If the seller prefers to have the check for the material mailed
5 to an alternative address, other than a post office box, the junk
6 dealer or recycler shall obtain a photograph or video of the seller,
7 or a copy of a driver's license or identification card described in
8 subparagraph (A), and a gas or electric utility bill addressed to
9 the seller at that alternative address with a payment due date no
10 more than two months prior to the date of sale. For purposes of
11 this paragraph, "alternative address" means an address that is
12 different from the address appearing on the seller's driver's license
13 or identification card.

14 (C) The junk dealer or recycler obtains a photograph or video
15 of the nonferrous material being purchased.

16 (D) The junk dealer or recycler shall preserve the information
17 obtained pursuant to this paragraph for a period of two years after
18 the date of sale.

19 (3) The junk dealer or recycler obtains a thumbprint of the
20 seller, as prescribed by the Department of Justice. The junk dealer
21 or recycler shall keep this thumbprint with the information obtained
22 under paragraph (2) and shall preserve the thumbprint in either
23 hard copy or electronic format for a period of two years after the
24 date of sale. The junk dealer or recycler shall make the thumbprint
25 available to a person listed in Section 21606.5 only if that person
26 has probable cause to believe that property in the possession of
27 the junk dealer or recycler has been stolen. The seller shall
28 acknowledge this disclosure requirement in writing.

29 (b) Paragraph (1) of subdivision (a) shall not apply if, during
30 any three-month period commencing on or after the effective date
31 of this section, the junk dealer or recycler completes five or more
32 separate transactions per month, on five or more separate days
33 per month, with the seller and, in order for paragraph (1) of
34 subdivision (a) to continue to be inapplicable, the seller must
35 continue to complete five or more separate transactions per month
36 with the junk dealer or recycler.

37 (c) This section shall not apply if, on the date of sale, the junk
38 dealer or recycler has on file or receives all of the following
39 information:

1 (1) *The name, physical business address, and business telephone*
2 *number of the seller's business.*

3 (2) *The business license number or tax identification number*
4 *of the seller's business.*

5 (3) *A copy of the valid driver's license of the person delivering*
6 *the nonferrous material on behalf of the seller to the junk dealer*
7 *or the recycler.*

8 (d) *This section shall not apply to the redemption of nonferrous*
9 *material having a value of not more than twenty dollars (\$20) in*
10 *a single transaction, when the primary purpose of the transaction*
11 *is the redemption of beverage containers under the California*
12 *Beverage Container Recycling and Litter Reduction Act, as set*
13 *forth in Division 12.1 (commencing with Section 14500) of the*
14 *Public Resources Code.*

15 (e) *This section shall not apply to coin dealers or to automobile*
16 *dismantlers, as defined in Section 220 of the Vehicle Code.*

17 (f) *For the purposes of this section, "nonferrous material"*
18 *means copper, copper alloys, stainless steel, or aluminum, but*
19 *does not include beverage containers, as defined in Section 14505*
20 *of the Public Resources Code, that are subject to a redemption*
21 *payment pursuant to Section 14560 of the Public Resources Code.*

22 (g) *This section is intended to occupy the entire field of law*
23 *related to junk dealer or recycler transactions involving nonferrous*
24 *material, as defined in this section. However, a city or county*
25 *ordinance, or a city and county ordinance, relating to the subject*
26 *matter of this section is not in conflict with this section if the*
27 *ordinance is passed by a two-thirds vote and it can be*
28 *demonstrated by clear and convincing evidence that the ordinance*
29 *is both necessary and addresses a unique problem within and*
30 *specific to the jurisdiction of the ordinance that cannot effectively*
31 *be addressed under this section.*

32 *SEC. 5. Section 21609 of the Business and Professions Code*
33 *is amended to read:*

34 21609. (a) ~~Whenever any~~ *a peace officer has probable cause*
35 *to believe that property in the possession of a junk dealer or*
36 *recycler is stolen, in lieu of seizing the property, the peace officer*
37 *as defined in subdivision (b) of Section ~~21606.5~~ 21606.5, at his*
38 *or her option, may place a hold on the property for a period not to*
39 *exceed 90 days. When a peace officer places a hold on the property,*
40 *the peace officer shall give the junk dealer or recycler a written*

1 notice at the time the hold is placed, describing the item or items
2 to be held plus the case number. During that period the junk dealer
3 or recycler shall not release or dispose of the property, except
4 pursuant to a court order or upon receipt of a written authorization
5 signed by ~~any~~ a peace officer who is a member of the law
6 enforcement agency of which the peace officer placing the hold
7 on the property is a member. Except as specifically set forth in
8 this section, a junk dealer or recycler shall not be subject to civil
9 liability for compliance with this section.

10 (b) Whenever property that is in the possession of a junk dealer
11 or recycler is subject to a hold and the property is required by a
12 peace officer in a criminal investigation, the junk dealer or recycler,
13 upon reasonable notice, shall produce the property at reasonable
14 times and places or may deliver the property to any peace officer
15 upon the request of any peace officer who is a member of the law
16 enforcement agency of which the peace officer placing the hold
17 on the property is a member.

18 (c) Whenever property that is in the possession of a junk dealer
19 or recycler is subject to a hold and the property is no longer
20 required for the purpose of criminal investigation, the law
21 enforcement agency that placed the hold on the property shall
22 undertake the following:

23 (1) With respect to the property being held, if the law
24 enforcement agency has no knowledge of the property on hold
25 being reported as stolen, the property shall be released upon written
26 notice to the ~~scrap metal~~ junk dealer or recycler. The notice shall
27 be provided in a timely fashion.

28 (2) If the law enforcement agency has knowledge that the
29 property has been reported stolen, the law enforcement agency
30 shall notify the person who reported the stolen property of the
31 name and address of the junk dealer or recycler holding the
32 property and authorize the release of the property to that person.

33 The law enforcement agency that placed the property on hold
34 shall release the hold after 60 days has elapsed following the
35 delivery of the notice to the person who reported the property
36 stolen.

37 (3) If a victim seeks to recover property that is subject to a hold,
38 the junk dealer or recycler shall advise the victim of the name and
39 badge number of the peace officer who placed the hold on the
40 property and the name of the law enforcement agency of which

1 the officer is a member. If the property is not required to be held
 2 pursuant to a criminal prosecution the hold shall be released.

3 (d) Upon conviction of ~~any~~ a person for the theft of property
 4 placed on hold pursuant to this section, the court shall order the
 5 defendant to ~~pay the junk dealer or recycler reasonable costs for~~
 6 ~~storage of the property.~~ *do both of the following:*

7 (1) *Pay the junk dealer or recycler reasonable costs for storage*
 8 *of the property.*

9 (2) *Pay the victim for both the value of the property stolen and*
 10 *any reasonable collateral damage caused in the commission of*
 11 *the theft.*

12 *SEC. 6. No reimbursement is required by this act pursuant to*
 13 *Section 6 of Article XIII B of the California Constitution because*
 14 *the only costs that may be incurred by a local agency or school*
 15 *district will be incurred because this act creates a new crime or*
 16 *infraction, eliminates a crime or infraction, or changes the penalty*
 17 *for a crime or infraction, within the meaning of Section 17556 of*
 18 *the Government Code, or changes the definition of a crime within*
 19 *the meaning of Section 6 of Article XIII B of the California*
 20 *Constitution.*

21 ~~SECTION 1. Section 21608.5 is added to the Business and~~
 22 ~~Professions Code, to read:~~

23 ~~21608.5. (a) A junk dealer or recycler in this state shall not~~
 24 ~~provide payment for nonferrous material unless, in addition to~~
 25 ~~meeting the written record requirements of Sections 21605 and~~
 26 ~~21606, all of the following requirements are met:~~

27 (1) ~~The payment for the material is made by check. The check~~
 28 ~~may be mailed to the seller at the address provided pursuant to~~
 29 ~~paragraph (2) or may be collected by the seller from the junk dealer~~
 30 ~~or recycler on the third business day after the date of sale.~~

31 (2) ~~The junk dealer or recycler does one of the following and~~
 32 ~~preserves the items for a period of two years after the date of sale:~~

33 (A) ~~Obtains a photograph or video of the seller, a copy of a~~
 34 ~~valid driver's license or a copy of a state or federal~~
 35 ~~government-issued identification card, and a gas or electric utility~~
 36 ~~bill addressed to the seller at an address other than a post office~~
 37 ~~box with a payment date no more than two months prior to the~~
 38 ~~date of the sale.~~

39 (B) ~~Obtains a copy of the valid driver's license of the seller~~
 40 ~~containing a photograph and an address of the seller.~~

1 ~~(C) Obtains a copy of a state or federal government-issued~~
2 ~~identification card containing a photograph and an address of the~~
3 ~~seller.~~

4 ~~(3) The junk dealer or recycler obtains a photograph of the~~
5 ~~nonferrous material being purchased and preserves the photograph~~
6 ~~for a period of two years after the date of sale.~~

7 ~~(b) This section shall not apply if, on the date of sale, the junk~~
8 ~~dealer or recycler has on file or receives all of the following~~
9 ~~information:~~

10 ~~(1) The name, physical business address, and business telephone~~
11 ~~number of the seller's business.~~

12 ~~(2) The business license number or tax identification number~~
13 ~~of the seller's business.~~

14 ~~(3) A copy of the valid driver's license of the person delivering~~
15 ~~the nonferrous material on behalf of the seller to the junk dealer~~
16 ~~or the recycler.~~

17 ~~(e) This section shall not apply to the redemption of nonferrous~~
18 ~~material having a value of not more than ten dollars (\$10) in a~~
19 ~~single transaction, when the primary purpose of the transaction is~~
20 ~~the redemption of beverage containers under the California~~
21 ~~Beverage Container Recycling and Litter Reduction Act, as set~~
22 ~~forth in Division 12.1 (commencing with Section 14500) of the~~
23 ~~Public Resources Code.~~

24 ~~(d) This section shall not apply to coin dealers or automobile~~
25 ~~dismantlers, as defined in Section 220 of the Vehicle Code.~~

26 ~~(e) For the purposes of this section, "nonferrous material" means~~
27 ~~copper, copper alloys, stainless steel, or aluminum but does not~~
28 ~~include beverage containers, as defined in Section 14505 of the~~
29 ~~Public Resources Code, that are subject to a redemption payment~~
30 ~~pursuant to Section 14560 of the Public Resources Code.~~

31 ~~SEC. 2. Section 21609 of the Business and Professions Code~~
32 ~~is amended to read:~~

33 ~~21609. (a) Whenever any peace officer has probable cause to~~
34 ~~believe that property in the possession of a junk dealer or recycler~~
35 ~~is stolen, in lieu of seizing the property, the peace officer as defined~~
36 ~~in subdivision (b) of Section 21606.5, at his or her option, may~~
37 ~~place a hold on the property for a period not to exceed 90 days.~~
38 ~~When a peace officer places a hold on the property, the peace~~
39 ~~officer shall give the junk dealer or recycler a written notice at the~~
40 ~~time the hold is placed, describing the item or items to be held plus~~

1 the case number. During that period the junk dealer or recycler
2 shall not release or dispose of the property, except pursuant to a
3 court order or upon receipt of a written authorization signed by
4 any peace officer who is a member of the law enforcement agency
5 of which the peace officer placing the hold on the property is a
6 member. Except as specifically set forth in this section, a junk
7 dealer or recycler shall not be subject to civil liability for
8 compliance with this section.

9 (b) ~~Whenever property that is in the possession of a junk dealer~~
10 ~~or recycler is subject to a hold and the property is required by a~~
11 ~~peace officer in a criminal investigation, the junk dealer or recycler,~~
12 ~~upon reasonable notice, shall produce the property at reasonable~~
13 ~~times and places or may deliver the property to any peace officer~~
14 ~~upon the request of any peace officer who is a member of the law~~
15 ~~enforcement agency of which the peace officer placing the hold~~
16 ~~on the property is a member.~~

17 (e) ~~Whenever property that is in the possession of a junk dealer~~
18 ~~or recycler is subject to a hold and the property is no longer~~
19 ~~required for the purpose of criminal investigation, the law~~
20 ~~enforcement agency that placed the hold on the property shall~~
21 ~~undertake the following:~~

22 (1) ~~With respect to the property being held, if the law~~
23 ~~enforcement agency has no knowledge of the property on hold~~
24 ~~being reported as stolen, the property shall be released upon written~~
25 ~~notice to the junk dealer or recycler. The notice shall be provided~~
26 ~~in a timely fashion.~~

27 (2) ~~If the law enforcement agency has knowledge that the~~
28 ~~property has been reported stolen, the law enforcement agency~~
29 ~~shall notify the person who reported the stolen property of the~~
30 ~~name and address of the junk dealer or recycler holding the~~
31 ~~property and authorize the release of the property to that person.~~

32 ~~The law enforcement agency that placed the property on hold~~
33 ~~shall release the hold after 60 days have elapsed following the~~
34 ~~delivery of the notice to the person who reported the property~~
35 ~~stolen.~~

36 (3) ~~If a victim seeks to recover property that is subject to a hold,~~
37 ~~the junk dealer or recycler shall advise the victim of the name and~~
38 ~~badge number of the peace officer who placed the hold on the~~
39 ~~property and the name of the law enforcement agency of which~~

1 the officer is a member. If the property is not required to be held
2 pursuant to a criminal prosecution the hold shall be released.

3 (d) ~~Upon conviction of any person for the theft of property~~
4 ~~placed on hold pursuant to this section, the court shall order the~~
5 ~~defendant to pay the junk dealer or recycler reasonable costs for~~
6 ~~storage of the property.~~

7 (e) ~~Upon conviction of any person for the theft of, or of any~~
8 ~~junk dealer or recycler for the sale of, property placed on hold~~
9 ~~pursuant to this section, the court shall order the defendant to pay~~
10 ~~the victim for both the value of the material stolen and the~~
11 ~~reasonable collateral damage caused in the commission of the~~
12 ~~theft.~~

13 ~~SEC. 3. Section 21610 is added to the Business and Professions~~
14 ~~Code, to read:~~

15 ~~21610. Nothing in this chapter shall prevent a local governing~~
16 ~~body from adopting and enforcing laws that provide consumer~~
17 ~~protections greater than those set forth in this chapter.~~

18 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
19 ~~Section 6 of Article XIII B of the California Constitution because~~
20 ~~the only costs that may be incurred by a local agency or school~~
21 ~~district will be incurred because this act creates a new crime or~~
22 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
23 ~~for a crime or infraction, within the meaning of Section 17556 of~~
24 ~~the Government Code, or changes the definition of a crime within~~
25 ~~the meaning of Section 6 of Article XIII B of the California~~
26 ~~Constitution.~~