

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1971**

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**Introduced by Assembly Member Buchanan**

February 23, 2012

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An act to amend Section 496a of, *and to add Section 594.05 to*, the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1971, as amended, Buchanan. Theft: junk, metals, and secondhand materials.

Existing law provides that every dealer in or collector of junk, metals, or secondhand materials, or the agent, employee, or representative of that dealer or collector, who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass which he or she knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water, or electric light company or county, city, city and county, or other political subdivision of this state engaged in furnishing public utility service without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and shall be punished by imprisonment as specified, ~~or~~ by a fine of not more than \$250, or by both that fine and imprisonment.

This bill would ~~make technical, nonsubstantive changes to that provision~~ *increase that maximum fine to an amount not to exceed \$1,000.*

*Existing law provides that a person commits the crime of vandalism when he or she defaces, damages, or destroys property that is not his or her own. Existing law provides that vandalism is punishable by*

*imprisonment in a county jail for not more than one year, by a fine, as specified, based on the amount of the defacement, damage, or destruction, or by both the fine and imprisonment.*

*This bill would enact a clarifying statement relating to vandalism committed against public transit property and include a statement of legislative intent.*

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

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

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *The theft of nonferrous materials, such as copper, copper*
- 4     *alloys, stainless steel, and aluminum, but excluding beverage*
- 5     *containers, is a serious problem in many parts of California.*
- 6     (b) *The theft of these metals is having a significant negative*
- 7     *effect on many public agencies throughout the state, including*
- 8     *public transit providers.*
- 9     (c) *Frequently, the cost of repairing or replacing the*
- 10    *infrastructure, component, or item from which the metal has been*
- 11    *removed greatly exceeds the value of the metal itself.*
- 12    (d) *This criminal activity is costing public transit systems*
- 13    *millions of dollars annually.*
- 14    (e) *These crimes can greatly affect the efficiency of transit*
- 15    *providers, causing significant vehicle speed reductions, service*
- 16    *disruptions, and delays.*
- 17    (f) *The theft of nonferrous materials from public transit systems*
- 18    *also poses a significant threat to public safety.*
- 19    (g) *The theft of these metals may result in the loss of power to*
- 20    *critical elements of the transit system and to related*
- 21    *communications, lighting, and other portions of the system.*
- 22    (h) *Stolen cable can create dangerous conditions as stray*
- 23    *electrical current is conducted through other metals, creating heat*
- 24    *in adjacent metals, and damaging the integrity of the system in the*
- 25    *area of theft.*
- 26    (i) *In addition to the possible dangers posed to employees and*
- 27    *the transit-riding public, thieves engaged in these crimes are*
- 28    *exposed to serious injury or death through possible electrocution.*

1 SECTION 1.

2 SEC. 2. Section 496a of the Penal Code is amended to read:

3 496a. (a) Every person who, being a dealer in or collector of  
4 junk, metals or secondhand materials, or the agent, employee, or  
5 representative of such dealer or collector, buys or receives any  
6 wire, cable, copper, lead, solder, mercury, iron or brass which he  
7 or she knows or reasonably should know is ordinarily used by or  
8 ordinarily belongs to a railroad or other transportation, telephone,  
9 telegraph, gas, water or electric light company or county, city, city  
10 and county or other political subdivision of this state engaged in  
11 furnishing public utility service without using due diligence to  
12 ascertain that the person selling or delivering the same has a legal  
13 right to do so, is guilty of criminally receiving that property, and  
14 shall be punished by imprisonment in a county jail for not more  
15 than one year, or by imprisonment pursuant to subdivision (h) of  
16 Section 1170, or by a fine of not more than ~~two hundred fifty one~~  
17 ~~thousand~~ dollars—~~(\$250)~~ (\$1,000), or by both that fine and  
18 imprisonment.

19 (b) Any person buying or receiving material pursuant to  
20 subdivision (a) shall obtain evidence of his or her identity from  
21 the seller including, but not limited to, that person's full name,  
22 signature, address, driver's license number, vehicle license number,  
23 and the license number of the vehicle delivering the material.

24 (c) The record of the transaction shall include an appropriate  
25 description of the material purchased and the record shall be  
26 maintained pursuant to Section 21607 of the Business and  
27 Professions Code.

28 SEC. 3. Section 594.05 is added to the Penal Code, to read:

29 594.05. (a) For purposes of Section 594, "damages" includes  
30 damage caused to public transit property in the course of stealing  
31 or attempting to steal nonferrous material, as defined in Section  
32 21608.5 of the Business and Professions Code.

33 (b) This section is declaratory of existing law.

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