

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2298**

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**Introduced by Assembly Members ~~Achadjian and Ma~~ and *Achadjian***

February 24, 2012

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*An act to amend Section 21606.5 of the Business and Professions Code, relating to ~~theft~~ junk dealers and recyclers.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as amended, ~~Achadjian~~ *Ma*. ~~Theft: scrap metal and alloys. Junk dealers and recyclers.~~

*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 a junk dealer or recycler to allow for periodic inspection by specified persons, including persons authorized by the county sheriff or the head of a city police department, of any premises maintained for purposes of determining compliance with the recordkeeping requirements, and, upon inspection, requires the junk dealer or recycler to produce sales and purchase records.*

*This bill would, in addition, authorize persons appointed by the head of a county agricultural commission to carry out the periodic inspection of the premises of junk dealers and recyclers.*

~~Existing law defines and proscribes various forms of theft, including grand theft.~~

*This bill would express the intent of the Legislature to enact legislation to specifically proscribe the theft of ferrous and nonferrous scrap metals and metal alloys.*

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

3     21606.5. Every junk dealer or recycler shall, during normal  
4 business hours, allow periodic inspection of any premises  
5 maintained and any junk thereon for the purpose of determining  
6 compliance with the recordkeeping requirements of this article,  
7 and shall during those hours produce his or her records of sales  
8 and purchases, except as provided in subparagraph (B) of paragraph  
9 (6) of subdivision (a) of Section 21608.5, and all property  
10 purchased incident to those transactions which is in the possession  
11 of the junk dealer or recycler for inspection by any of the following  
12 persons:

13     (a) An officer holding a warrant authorizing him or her to search  
14 for personal property.

15     (b) A person appointed by the sheriff of a county ~~or appointed,~~  
16 by the head of the police department of a city, *or by the head of a*  
17 *county agricultural commission.*

18     (c) An officer holding a court order directing him or her to  
19 examine the records or property.

20     ~~(d) The amendments to this section made by the act adding this~~  
21 ~~subdivision shall become operative on December 1, 2008.~~

22     ~~SECTION 1. It is the intent of the Legislature to enact~~  
23 ~~legislation that will specifically proscribe the theft of ferrous and~~  
24 ~~nonferrous scrap metals and metal alloys.~~