

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2298

Introduced by Assembly Members Ma and Achadjian

February 24, 2012

An act to add Title 11.8 (commencing with Section 14190.15) to Part 4 of the Penal Code, relating to metal theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as amended, Ma. Metal theft and related recycling crimes.

~~Existing law, commencing July 1, 2012, establishes the Board of State and Community Corrections as an entity independent of the Department of Corrections and Rehabilitation and commencing that date deems any reference to the "Board of Corrections" or the "Corrections Standards Authority" to refer, instead, to the Board of State and Community Corrections to, among other things, promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system.~~

This bill, *on and after January 1, 2015*, would require the ~~Board of State and Community Corrections~~ board to establish a Metal Theft Task Force Program to provide grants to applicant regional task forces for the purposes of providing local law enforcement and district attorneys with the tools necessary to successfully interdict the commission of metal theft and related metal recycling crimes.

~~This~~*The bill, on and after January 1, 2015, would establish the Metal Theft Task Force Fund, to be administered by the board, and would, upon appropriation by the Legislature, would make moneys in the fund available for these purposes of the program.*

The bill would require the board to regularly review the program and report to the Governor and the ~~Legislature.~~ *Legislature, and*

~~The bill would provide~~ *specify that this the program shall not be implemented until the Department of Finance determines that sufficient funding has been deposited in the Metal Theft Task Force Fund to implement the program and funds have been made available upon appropriation by the Legislature, as specified.*

~~This bill would also declare the state findings and declarations of the Legislature that relative to metal theft is a serious problem in California~~ and the intent of the Legislature to provide local law enforcement with the tools to interdict metal theft and related metal recycling crimes.

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

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

1 SECTION 1. The Legislature finds and declares both of the
2 following:

3 (a) The theft of metal is a serious problem in California. Losses
4 due to metal theft are not limited to just the value of the metal
5 taken, but frequently the cost of repairing or replacing the
6 infrastructure, component, or item from which the metal has been
7 removed greatly exceeds the value of the metal itself. The United
8 States Department of Energy estimates that metal theft costs United
9 States businesses approximately one billion dollars
10 (\$1,000,000,000) annually.

11 (b) It is the intent of the Legislature in enacting this title to
12 provide local law enforcement and district attorneys with the tools
13 necessary to successfully interdict the commission of metal theft
14 and related metal recycling crimes.

15 SEC. 2. Title 11.8 (commencing with Section 14190.15) is
16 added to Part 4 of the Penal Code, to read:

1 TITLE 11.8. THEFT AND RECYCLING OF METALS

2
3 14190.15. For the purposes of this title, the following terms
4 have the following meanings:

5 (a) “Fund” means the Metal Theft Task Force Fund.

6 (b) “Board” means the Board of State and Community
7 Corrections.

8 (c) “Program” means the Metal Theft Task Force Program.

9 14190.20. (a) The Metal Theft Task Force Fund is hereby
10 established within the State Treasury. Transfers to the Metal Theft
11 Task Force Fund shall be deposited in the Treasury, or in a state
12 depository bank approved by the Treasurer. These funds shall,
13 upon appropriation by the Legislature, be available for the purposes
14 set forth in this title.

15 (b) The fund shall consist of moneys deposited into the fund
16 from the federal government, industry, and citizen sources.

17 (c) Funds provided under this program are intended to ensure
18 that law enforcement is equipped with the necessary personnel
19 and tools to successfully combat metal theft and related recycling
20 crimes, which include, but are not limited to, all of the following
21 offenses:

22 (1) The theft of metals, including, but not limited to, nonferrous
23 metals.

24 (2) The purchase and recycling of stolen metals, including, but
25 not limited to, recycled metal beverage containers, by recyclers.

26 (3) The transportation of stolen metals from this state to another
27 state.

28 (4) The transportation of stolen metals from another state to this
29 state.

30 14190.25. (a) The fund shall be administered by the board.

31 (b) The board may adopt regulations as needed to administer
32 this title.

33 (c) Administration of the overall program and the evaluation
34 and monitoring of all grants made pursuant to this title shall be
35 performed by the board.

36 14190.30. (a) The board shall establish the Metal Theft Task
37 Force Program. Administration of the overall program and the
38 evaluation and monitoring of all grants made pursuant to this title
39 shall be performed by the board.

1 (b) Moneys appropriated to the board for the program shall be
2 expended to fund programs that enhance the capacity of local law
3 enforcement and prosecutors to deter, investigate, and prosecute
4 metal theft and related recycling crimes.

5 (c) After deduction of the board’s actual and necessary
6 administrative costs, the funds shall be expended to fund programs
7 to enhance the capacity of local law enforcement and prosecutors
8 to deter, investigate, and prosecute metal theft and related recycling
9 crimes.

10 (d) Funds distributed under this program shall be expended for
11 the exclusive purpose of deterring, investigating, and prosecuting
12 metal theft and related recycling crimes.

13 (e) Up to 10 percent of the funds may, upon appropriation, be
14 used for developing and maintaining a statewide database on metal
15 theft and related recycling crimes for use in developing and
16 distributing intelligence information to participating law
17 enforcement agencies.

18 14190.35. (a) The board shall develop specific guidelines and
19 administrative procedures for the selection of regional task forces
20 to receive funds under this program, as follows:

21 (1) Each regional task force that seeks funds shall submit a
22 written application to the board setting forth in detail the proposed
23 use of funds.

24 (2) Each regional task force shall be identified by a name that
25 is appropriate to the area that it serves. In order to qualify for funds,
26 a regional task force shall be comprised of local law enforcement
27 and prosecutors from at least two counties.

28 (3) Each task force shall consult with experts from the United
29 States military, the California Military Department, the Department
30 of Justice, other law enforcement entities, and various other state
31 and private organizations as deemed necessary to maximize the
32 effectiveness of this program.

33 (4) Priority shall be given to regional task forces outside of the
34 13 counties funded under the rural crime prevention programs
35 authorized pursuant to Sections 14170 and 14180.

36 (b) The guidelines shall include all of the following selection
37 criteria that shall be considered by the board in awarding grant
38 funds:

39 (1) The number of metal theft or related recycling crime cases
40 filed in the prior year.

1 (2) The number of metal theft or related recycling crime cases
2 investigated in the prior year.

3 (3) The number of victims involved in the cases filed.

4 (4) The total aggregate monetary loss suffered by the victims,
5 including damage caused by the theft.

6 (5) Local funds available to assist the regional task force.

7 (6) The number of licensed recycling facilities in the region.

8 14190.40. (a) Each regional task force that has been awarded
9 funds authorized under the program during the previous
10 grant-funding cycle, upon reapplication for funds to the board in
11 each successive year, shall submit a detailed accounting of funds
12 received and expended in the prior year in addition to any
13 information required by this title.

14 (b) The accounting shall include all of the following information:

15 (1) The amount of funds received and expended.

16 (2) The use to which those funds were put, including payment
17 of salaries and expenses, purchase of equipment and supplies, and
18 other expenditures by type.

19 (3) The number of filed complaints, investigations, arrests, and
20 convictions that resulted from the expenditure of the funds.

21 14190.45. (a) The board shall regularly review the
22 effectiveness of the program in deterring, investigating, and
23 prosecuting metal theft and related recycling crimes and shall,
24 notwithstanding Section 10231.5 of the Government Code, present
25 a report to the Legislature and Governor.

26 (b) The report shall be based on information provided by the
27 regional task forces in an annual report to the board which shall
28 detail all of the following:

29 (1) The number of metal theft and recycling crime cases filed
30 in the prior year.

31 (2) The number of metal theft and recycling crime cases
32 investigated in the prior year.

33 (3) The number of victims involved in the cases filed.

34 (4) The number of convictions obtained in the prior year.

35 (5) The total aggregate monetary loss suffered by the victims,
36 including damage caused by the theft.

37 (6) An accounting of funds received and expended in the prior
38 year, which shall include all of the following:

39 (A) The amount of funds received and expended.

1 (B) The uses to which those funds were put, including payment
2 of salaries and expenses, purchase of supplies, and other
3 expenditures.

4 (C) Any other relevant information requested.

5 14190.50. The program established pursuant to this title shall
6 not be implemented until the Department of Finance determines
7 that sufficient funds have been deposited in the Metal Theft Task
8 Force Fund to implement the provisions of this title and funds have
9 been made available for the purposes of this title upon
10 appropriation by the Legislature as provided in subdivision (a) of
11 Section 14190.20.

12 *14190.55. This title shall become operative on January 1, 2015.*