

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 909

Introduced by Assembly Member Gray

February 22, 2013

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 909, as amended, Gray. Metal theft and related recycling crimes.

Existing law establishes 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 to establish a Metal Theft Task Force Program to provide grants to applicant regional task forces for the purpose 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. The bill, on and after January 1, 2015, would establish the Metal Theft Task Force Fund, to be administered by the board, and, upon appropriation by the Legislature, would make moneys in the fund available for *the* purposes of the program.

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

This bill would also state findings and declarations of the Legislature relative to metal theft 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 the value of the metal taken,
5 but frequently include the cost of repairing or replacing the
6 infrastructure, component, or item from which the metal was
7 removed, which greatly exceeds the value of the metal itself.

8 (b) The United States Department of Energy estimates that metal
9 theft costs United States businesses approximately one billion
10 dollars (\$1,000,000,000) annually.

11 (c) It is the intent of the Legislature in enacting this act 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:

17
18 TITLE 11.8. THEFT AND RECYCLING OF METALS

19
20 14190.15. For the purposes of this title, the following terms
21 have the following meanings:

22 (a) "Fund" means the Metal Theft Task Force Fund.
23 (b) "Board" means the Board of State and Community
24 Corrections.

25 (c) "Program" means the Metal Theft Task Force Program.

26 14190.20. (a) The Metal Theft Task Force Fund is hereby
27 established within the State Treasury. Transfers to the Metal Theft
28 Task Force Fund shall be deposited in the Treasury, or in a state
29 depository bank approved by the Treasurer. These funds shall,
30 upon appropriation by the Legislature, be available for the purposes
31 set forth in this title.

1 (b) The fund shall consist of moneys deposited into the fund
2 from the federal government, industry, and ~~citizen~~ private sources.
3 *General Fund moneys shall not be deposited into the fund nor used*
4 *to implement the provisions of this title.*

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

10 (1) The theft of metals, including, but not limited to, nonferrous
11 metals.

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

14 (3) The transportation of stolen metals from this state to another
15 state.

16 (4) The transportation of stolen metals from another state to this
17 state.

18 14190.25. (a) The fund shall be administered by the board.

19 (b) The board may adopt regulations as needed to administer
20 this title.

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

24 14190.30. (a) The board shall establish the Metal Theft Task
25 Force Program. Administration of the overall program and the
26 evaluation and monitoring of all grants made pursuant to this title
27 shall be performed by the board.

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

32 (c) After deduction of the board's actual and necessary
33 administrative costs, the funds shall be expended to fund programs
34 to enhance the capacity of local law enforcement and prosecutors
35 to deter, investigate, and prosecute metal theft and related recycling
36 crimes.

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

1 (e) Up to 10 percent of the funds may, upon appropriation, be
2 used for developing and maintaining a statewide database on metal
3 theft and related recycling crimes for use in developing and
4 distributing intelligence information to participating law
5 enforcement agencies.

6 14190.35. (a) The board shall develop specific guidelines and
7 administrative procedures for the selection of regional task forces
8 to receive funds under this program, as follows:

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

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

16 (3) Each task force may consult with experts from the United
17 States military, the California Military Department, the Department
18 of Justice, other law enforcement entities, and various other state
19 and private organizations, including pertinent trade associations,
20 as deemed necessary to maximize the effectiveness of this program.

21 (4) Priority shall be given to regional task forces outside of the
22 13 counties funded under the rural crime prevention programs
23 authorized pursuant to Sections 14170 and 14180.

24 (b) The guidelines shall include all of the following selection
25 criteria that shall be considered by the board in awarding grant
26 funds:

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

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

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

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

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

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

36 14190.40. (a) Each regional task force that has been awarded
37 funds authorized under the program during the previous
38 grant-funding cycle, upon reapplication for funds to the board in
39 each successive year, shall submit a detailed accounting of funds

1 received and expended in the prior year in addition to any
2 information required by this title.

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

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

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

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

10 14190.45. (a) The board shall regularly review the
11 effectiveness of the program in deterring, investigating, and
12 prosecuting metal theft and related recycling crimes and shall,
13 notwithstanding Section 10231.5 of the Government Code, present
14 a report to the Legislature and Governor.

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

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

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

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

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

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

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

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

29 (B) The uses to which those funds were put, including payment
30 of salaries and expenses, purchase of supplies, and other
31 expenditures.

32 (C) Any other relevant information requested.

33 14190.50. (a) The program established pursuant to this title
34 shall not be implemented until the Department of Finance
35 determines that sufficient funds have been deposited in the Metal
36 Theft Task Force Fund to implement the provisions of this title
37 and funds have been made available for the purposes of this title
38 upon appropriation by the Legislature as provided in subdivision
39 (a) of Section 14190.20.

1 **(b)** *The board shall be required to implement the provisions of*
2 *this title only upon the availability of funds appropriated for that*
3 *purpose, in an amount sufficient to cover all costs relating to the*
4 *implementation and continuing administration of the provisions*
5 *of this title.*
6 14190.55. This title shall become operative on January 1, 2015.

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