

ASSEMBLY BILL

No. 2312

**Introduced by Assembly Members Nestande and Olsen
(Coauthors: Assembly Members Gray and Linder)**

February 21, 2014

An act to add Section 21609 to the Business and Professions Code, and to add Article 6 (commencing with Section 11199.5) to Chapter 2 of Title 1 of Part 4 of the Penal Code, relating to metal theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 2312, as introduced, Nestande. Metal theft.

Existing law governs the business of buying, selling, and dealing in secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, also known as “junk.” Existing law requires junk dealers and recyclers to keep a written record of all sales and purchases made in the course of their business, including the name and address of each person to whom junk is sold or disposed of, and to preserve the written record for at least 2 years after making the final entry of any purchase or sale of junk.

Existing law provides that it is a crime for a 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.

This bill would require a junk dealer or recycler to request to receive theft alert notifications regarding the theft of commodity metals in the junk dealer’s or recycler’s geographic region from the theft alert system maintained by the Institute of Scrap Recycling Industries, Inc. The bill would also encourage local law enforcement agencies to report thefts of commodity metals that have occurred within their jurisdiction to that theft alert system, in order to ensure that persons using the system receive timely and thorough information regarding metal thefts.

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 21609 is added to the Business and
2 Professions Code, to read:

3 21609. A junk dealer or recycler shall request to receive theft
4 alert notifications regarding the theft of commodity metals,
5 including, but not limited to, ferrous metal, copper, brass,
6 aluminum, nickel, stainless steel, and alloys, in the junk dealer’s
7 or recycler’s geographic region from the theft alert system
8 maintained by the Institute of Scrap Recycling Industries, Inc., or
9 its successor.

10 SEC. 2. Article 6 (commencing with Section 11199.5) is added
11 to Chapter 2 of Title 1 of Part 4 of the Penal Code, to read:

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Article 6. Reports of Metal Theft

15 11199.5. Local law enforcement agencies are encouraged to
16 report thefts of commodity metals, including, but not limited to,
17 ferrous metal, copper, brass, aluminum, nickel, stainless steel, and
18 alloys, that have occurred within their jurisdiction to the theft alert
19 system maintained by the Institute of Scrap Recycling Industries,
20 Inc., or its successor, in order to ensure that persons using that
21 system receive timely and thorough information regarding metal
22 thefts.

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