

SENATE BILL 305

E1

5lr2028

By: **Senators Eckardt, Bates, Cassilly, Edwards, Jennings, Salling, Serafini, Simonaire, and Waugh**

Introduced and read first time: February 5, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Theft of Scrap Metal**

3 FOR the purpose of prohibiting a person from knowingly and willfully taking the scrap
4 metal of another without authorization; establishing certain penalties for a violation
5 of this Act; requiring a certain person to pay the value of certain repairs or
6 replacements; defining a certain term; and generally relating to the theft of scrap
7 metal.

8 BY adding to

9 Article – Criminal Law

10 Section 7–111

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2014 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 **7–111.**

17 **(A) (1) IN THIS SECTION, “SCRAP METAL” MEANS COPPER, COPPER**
18 **ALLOY, COPPER UTILITY WIRE, BRONZE, ALUMINUM, AND ANY OTHER NONFERROUS**
19 **METAL, ALLOY, OR OTHER MIXTURE.**

20 **(2) “SCRAP METAL” INCLUDES:**

21 **(I) HOUSING FIXTURES SUCH AS DOWNSPOUTS, PIPES, WIRING,**
22 **OR FLASHING;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) AGRICULTURAL PARTS AND EQUIPMENT WITH COPPER
2 WIRE OR TUBING INCLUDING IRRIGATION EQUIPMENT;

3 (III) METAL MARKED WITH THE INITIALS OF AN ELECTRICAL,
4 TELEPHONE, CABLE, OR OTHER PUBLIC UTILITY;

5 (IV) UTILITY ACCESS COVERS;

6 (V) STREET LIGHT POLES AND FIXTURES;

7 (VI) ROAD AND BRIDGE GUARD RAILS;

8 (VII) HIGHWAY OR STREET SIGNS;

9 (VIII) WATER METER COVERS;

10 (IX) TRAFFIC SIGNS AND SIGNALS;

11 (X) UNUSED AND UNDAMAGED BUILDING CONSTRUCTION OR
12 UTILITY MATERIALS CONSISTING OF COPPER, PIPE, TUBING, WIRING, OR ALUMINUM
13 WIRE; OR

14 (XI) HISTORICAL MARKERS, GRAVE MARKERS, AND VASES.

15 (B) A PERSON MAY NOT KNOWINGLY AND WILLFULLY TAKE THE SCRAP
16 METAL OF ANOTHER WITHOUT AUTHORIZATION.

17 (C) (1) A PERSON CONVICTED OF THEFT OF SCRAP METAL WITH A VALUE
18 OF LESS THAN \$1,000 IS GUILTY OF A MISDEMEANOR AND:

19 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR
20 A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

21 (II) SHALL RESTORE THE SCRAP METAL TAKEN TO THE OWNER
22 OR PAY THE OWNER THE VALUE OF THE SCRAP METAL.

23 (2) A PERSON CONVICTED OF THEFT OF SCRAP METAL WITH A VALUE
24 OF:

25 (I) AT LEAST \$1,000 BUT LESS THAN \$10,000 IS GUILTY OF A
26 FELONY AND:

1 1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15
2 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH; AND

3 2. SHALL RESTORE THE SCRAP METAL TAKEN TO THE
4 OWNER OR PAY THE OWNER THE VALUE OF THE SCRAP METAL;

5 (II) AT LEAST \$10,000 BUT LESS THAN \$100,000 IS GUILTY OF A
6 FELONY AND:

7 1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20
8 YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH; AND

9 2. SHALL RESTORE THE SCRAP METAL TAKEN TO THE
10 OWNER OR PAY THE OWNER THE VALUE OF THE SCRAP METAL; OR

11 (III) \$100,000 OR MORE IS GUILTY OF A FELONY AND:

12 1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30
13 YEARS OR A FINE NOT EXCEEDING \$30,000 OR BOTH; AND

14 2. SHALL RESTORE THE SCRAP METAL TAKEN TO THE
15 OWNER OR PAY THE OWNER THE VALUE OF THE SCRAP METAL.

16 (D) IF THE THEFT OF SCRAP METAL CAUSES DAMAGE TO OR DESTROYS
17 OTHER PROPERTY, A PERSON CONVICTED UNDER THIS SECTION SHALL PAY THE
18 OWNER THE VALUE OF REPAIRS TO OR REPLACEMENT OF THE DAMAGED OR
19 DESTROYED PROPERTY.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2015.