



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2032

PRINTERS NO. 2792

PRIME SPONSOR: Metcalfe

COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
General Fund	See Fiscal Impact Below	

SUMMARY: House Bill 2032 amends the Crimes Code by adding the new offense of theft of secondary metal. It would take effect in 60 days.

ANALYSIS: This legislation adds section 3935 to the Crimes Code concerning the theft of secondary metal. Secondary metal is defined as wire or cable commonly used by communications and electrical utilities, copper, aluminum or other metal, or a combination of metals, that is valuable for recycling or reuse as raw material.

The offense is graded as follows:

1. When the value of the metal is less than \$50, the theft is a misdemeanor of the third degree with a maximum penalty of one year in prison and a \$2,500 fine.
2. When the value of the metal is \$50 or more but less than \$200, the theft is a misdemeanor of second degree with a maximum penalty of two years in prison and a \$5,000 fine.
3. When the value of the metal is \$200 or more but less than \$1,000, the theft is a misdemeanor of the first degree with a maximum penalty of five years in prison and a \$10,000 fine.
4. When the value of the metal is \$1,000 or more, the theft is a felony of the third degree with a maximum penalty of seven years in prison and a \$15,000 fine.
5. When the offense is a third or subsequent offense, regardless of the value of the metal stolen, the theft is a felony of the third degree.

FISCAL IMPACT: This legislation could eventually impact Commonwealth and local finances due to increased prison sentences for thefts of secondary metal. However, no reliable data exist to estimate how many individuals may be arrested, convicted, and sentenced for theft of secondary metal, and at what values, so the thefts could be placed in the offense grading scale summarized above.

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House Appropriations Committee (R)

DATE: February 8, 2012

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.