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**SUBSTITUTE HOUSE BILL 2570**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** House Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Hurst, and Ross)

READ FIRST TIME 01/31/12.

1           AN ACT Relating to metal property theft; amending RCW 9A.56.030 and  
2 9A.56.040; creating a new section; prescribing penalties; and providing  
3 an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5           NEW SECTION.   **Sec. 1.**   (1) The task force on commercial and  
6 nonferrous metal property theft is established. For purposes of this  
7 section, "commercial metal property," "nonferrous metal property," and  
8 "scrap metal business" have the same meanings as defined in RCW  
9 19.290.010.

10           (2) The purpose of the task force is to formulate suggestions for  
11 state policy regarding regulation of commercial and nonferrous metal  
12 property theft.

13           (3) The task force shall consist of the following members:

14           (a) A representative of a national trade association or other  
15 organization that represents scrap metal recycling businesses, such as  
16 the institute of scrap metal recycling industries incorporated or its  
17 successor organization or another entity representing comparable  
18 interests;

1 (b) A scrap metal business located in Washington who is appointed  
2 by and a member of the institute of scrap recycling industries, or its  
3 successor organization and whose primary business location is located  
4 in a city with a minimum population more than five hundred thousand;

5 (c) A scrap metal business located in Washington who is appointed  
6 by and a member of the institute of scrap recycling industries, or its  
7 successor organization and whose primary business location is located  
8 in a city with a maximum population less than fifty thousand;

9 (d) One investor-owned utility, as defined in RCW 19.29A.010, whose  
10 service territory is predominately located on the western side of the  
11 Cascade mountain range;

12 (e) One investor-owned utility, as defined in RCW 19.29A.010, whose  
13 service territory is predominately located on the eastern side of the  
14 Cascade mountain range;

15 (f) A consumer-owned utility, as defined in RCW 19.29A.010;

16 (g) A municipally owned utility;

17 (h) A representative of the Washington department of  
18 transportation;

19 (i) A representative of the Washington state prosecutors  
20 association;

21 (j) A representative of the Washington state patrol;

22 (k) A representative from a city with a population of less than  
23 five hundred thousand;

24 (l) A representative from a city with a population of more than  
25 five hundred thousand;

26 (m) A representative of a law enforcement agency, appointed by the  
27 Washington council of police and sheriffs;

28 (n) A representative from the Washington association of sheriffs  
29 and police chiefs;

30 (o) A representative from a county appointed by the Washington  
31 state association of counties;

32 (p) A representative of the broadband and cable telecommunications  
33 industry;

34 (q) A representative of the wireless telecommunications industry;

35 (r) A representative of the wireline telecommunications industry;

36 (s) A representative from the Washington state farm bureau; and

37 (t) A representative of crime victims, appointed by the office of  
38 crime victims advocacy.

1 (4) The task force shall elect a chair and organize itself in a  
2 manner, and adopt rules of procedure that it determines are most  
3 conducive to the timely completion of its charge.

4 (5) In conducting its study, the task force shall consider, at a  
5 minimum, the following issues:

6 (a) Penalties, both criminal and civil, for theft of commercial and  
7 nonferrous metal property including, but not limited to, issues such as  
8 categorization of crimes, trespass, organized commercial metal property  
9 theft, and aggregation of crimes;

10 (b) Valuation in the criminal prosecution of theft of commercial  
11 and nonferrous metal property, where the actual damages of the theft  
12 may greatly exceed the value of the stolen property;

13 (c) The role of local governments in policing and prosecuting theft  
14 of commercial and nonferrous property;

15 (d) Restrictions on cash purchases of commercial and nonferrous  
16 metal property;

17 (e) Private rights of action to prosecute theft of commercial and  
18 nonferrous metal property;

19 (f) Registration or licensing of all scrap metal businesses;

20 (g) A no-buy list for commercial and nonferrous metal purchases;

21 (h) Use and effectiveness of a scrap theft alert system, such as  
22 scraptheftalert.com, offered as a no fee service by the institute of  
23 scrap recycling industries; and

24 (i) Such other items the task force deems necessary.

25 (6) The task force shall meet at least quarterly.

26 (7) Members must seek reimbursement for travel and other membership  
27 expenses through their respective agencies or organizations within  
28 existing resources.

29 (8) The task force shall report its preliminary findings and  
30 recommendations for legislative action to the legislature by December  
31 31, 2012. The task force shall continue to communicate and collaborate  
32 regarding a policy plan through December 31, 2014.

33 (9) This section expires December 31, 2014.

34 **Sec. 2.** RCW 9A.56.030 and 2009 c 431 s 7 are each amended to read  
35 as follows:

36 (1) A person is guilty of theft in the first degree if he or she  
37 commits theft of:

1 (a) Property or services which exceed(s) five thousand dollars in  
2 value other than a firearm as defined in RCW 9.41.010;

3 (b) Property of any value, other than a firearm as defined in RCW  
4 9.41.010 or a motor vehicle, taken from the person of another; (~~or~~)

5 (c) A search and rescue dog, as defined in RCW 9.91.175, while the  
6 search and rescue dog is on duty; or

7 (d) Metal wire, taken from a public service company, as defined in  
8 RCW 80.04.010, and the costs of the damage to the public service  
9 company's property exceed five thousand dollars in value.

10 (2) Theft in the first degree is a class B felony.

11 **Sec. 3.** RCW 9A.56.040 and 2009 c 431 s 8 are each amended to read  
12 as follows:

13 (1) A person is guilty of theft in the second degree if he or she  
14 commits theft of:

15 (a) Property or services which exceed(s) seven hundred fifty  
16 dollars in value but does not exceed five thousand dollars in value,  
17 other than a firearm as defined in RCW 9.41.010 or a motor vehicle;  
18 (~~or~~)

19 (b) A public record, writing, or instrument kept, filed, or  
20 deposited according to law with or in the keeping of any public office  
21 or public servant; (~~or~~)

22 (c) Metal wire, taken from a public service company, as defined in  
23 RCW 80.04.010, and the costs of the damage to the public service  
24 company's property exceed seven hundred fifty dollars but does not  
25 exceed five thousand dollars in value; or

26 (d) An access device.

27 (2) Theft in the second degree is a class C felony.

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