

ESHB 2570 - S COMM AMD  
By Committee on Judiciary

ADOPTED AS AMENDED 03/02/2012

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

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

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

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

21 (c) A scrap metal business located in Washington who is appointed  
22 by and a member of the institute of scrap recycling industries, or its  
23 successor organization and whose primary business location is located  
24 in a city with a maximum population less than five hundred thousand;

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

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

- 1 (f) A consumer-owned utility, as defined in RCW 19.29A.010;
- 2 (g) A municipally owned utility;
- 3 (h) A representative of the Washington department of  
4 transportation;
- 5 (i) A representative of the Washington state prosecutors  
6 association;
- 7 (j) A representative of the Washington state patrol;
- 8 (k) A representative from a city with a population of less than  
9 five hundred thousand;
- 10 (l) A representative from a city with a population of more than  
11 five hundred thousand;
- 12 (m) A representative of a law enforcement agency, appointed by the  
13 Washington council of police and sheriffs;
- 14 (n) A representative from the Washington association of sheriffs  
15 and police chiefs;
- 16 (o) A representative from a county appointed by the Washington  
17 state association of counties;
- 18 (p) A representative of the broadband and cable telecommunications  
19 industry;
- 20 (q) A representative of the wireless telecommunications industry;
- 21 (r) A representative of the wireline telecommunications industry;
- 22 (s) A representative from the Washington state emergency  
23 communications committee;
- 24 (t) A representative from the AM/FM radio communications industry;
- 25 (u) A representative from the Washington state farm bureau; and
- 26 (v) A representative of crime victims, appointed by the office of  
27 crime victims advocacy.
- 28 (4) The task force shall elect a chair and organize itself in a  
29 manner, and adopt rules of procedure that it determines are most  
30 conducive to the timely completion of its charge.
- 31 (5) In conducting its study, the task force shall consider, at a  
32 minimum, the following issues:
- 33 (a) Penalties, both criminal and civil, for theft of commercial and  
34 nonferrous metal property including, but not limited to, issues such as  
35 categorization of crimes, trespass, organized commercial metal property  
36 theft, and aggregation of crimes;
- 37 (b) Valuation in the criminal prosecution of theft of commercial

1 and nonferrous metal property, where the actual damages of the theft  
2 may greatly exceed the value of the stolen property;

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

5 (d) Restrictions on cash purchases of commercial and nonferrous  
6 metal property;

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

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

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

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

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

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

16 (7) Members must seek reimbursement for travel and other membership  
17 expenses through their respective agencies or organizations within  
18 existing resources.

19 (8) The task force shall report its preliminary findings and  
20 recommendations for legislative action to the legislature by December  
21 31, 2012. The task force shall continue to communicate and collaborate  
22 regarding a policy plan through December 31, 2014.

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

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

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

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

30 (b) Property of any value, other than a firearm as defined in RCW  
31 9.41.010 or a motor vehicle, taken from the person of another; (~~(or)~~)

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

34 (d) Metal wire, taken from a public service company, as defined in  
35 RCW 80.04.010, or a consumer-owned utility, as defined in RCW  
36 19.280.020, and the costs of the damage to the public service company's

1 or consumer-owned utility's property exceed five thousand dollars in  
2 value.

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

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

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

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

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

15 (c) Metal wire, taken from a public service company, as defined in  
16 RCW 80.04.010, or a consumer-owned utility, as defined in RCW  
17 19.280.020, and the costs of the damage to the public service company's  
18 or consumer-owned utility's property exceed seven hundred fifty dollars  
19 but does not exceed five thousand dollars in value; or

20 (d) An access device.

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

**ESHB 2570** - S COMM AMD  
By Committee on Judiciary

**ADOPTED AS AMENDED 03/02/2012**

22 On page 1, line 1 of the title, after "theft;" strike the remainder  
23 of the title and insert "amending RCW 9A.56.030 and 9A.56.040; creating  
24 a new section; prescribing penalties; and providing an expiration  
25 date."

EFFECT: (1) Provides that one of the task force members is a

representative of a scrap metal business located in a city with a maximum population of less than five hundred thousand rather than fifty thousand.

(2) Adds theft of metal wire from a consumer-owned utility to Theft 1 and 2.

--- END ---