

ESHB 2570 - S COMM AMD  
By Committee on Judiciary

ADOPTED AND ENGROSSED 3/2/12

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 scrap metal business located in Washington that is not  
13 affiliated with the institute of scrap recycling industries;

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

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

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

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

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

29 (g) A municipally owned utility;

- 1 (h) A representative of the Washington department of  
2 transportation;
- 3 (i) A representative of the Washington state prosecutors  
4 association;
- 5 (j) A representative of the Washington state patrol;
- 6 (k) A representative from a city with a population of less than  
7 five hundred thousand;
- 8 (l) A representative from a city with a population of more than  
9 five hundred thousand;
- 10 (m) A representative of a law enforcement agency, appointed by the  
11 Washington council of police and sheriffs;
- 12 (n) A representative from the Washington association of sheriffs  
13 and police chiefs;
- 14 (o) A representative from a county appointed by the Washington  
15 state association of counties;
- 16 (p) A representative of the broadband and cable telecommunications  
17 industry;
- 18 (q) A representative of the wireless telecommunications industry;
- 19 (r) A representative of the wireline telecommunications industry;
- 20 (s) A representative from the Washington state emergency  
21 communications committee;
- 22 (t) A representative from the AM/FM radio communications industry;
- 23 (u) A representative from the Washington state farm bureau;
- 24 (v) A representative of crime victims, appointed by the office of  
25 crime victims advocacy;
- 26 (w) A representative of a Washington state affiliate of a national  
27 trade association representing commercial electrical contractors  
28 installing electrical fixtures and materials; and
- 29 (x) A representative of a Washington state affiliate of a national  
30 trade association representing commercial plumbing contractors  
31 installing plumbing fixtures and materials.
- 32 (4) The task force shall elect a chair and organize itself in a  
33 manner, and adopt rules of procedure that it determines are most  
34 conducive to the timely completion of its charge.
- 35 (5) In conducting its study, the task force shall consider, at a  
36 minimum, the following issues:
- 37 (a) Penalties, both criminal and civil, for theft of commercial and

1 nonferrous metal property including, but not limited to, issues such as  
2 categorization of crimes, trespass, organized commercial metal property  
3 theft, and aggregation of crimes;

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

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

9 (d) Restrictions on cash purchases of commercial and nonferrous  
10 metal property;

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

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

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

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

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

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

20 (7) Members must seek reimbursement for travel and other membership  
21 expenses through their respective agencies or organizations within  
22 existing resources.

23 (8) The task force shall report its preliminary findings and  
24 recommendations for legislative action to the legislature by December  
25 31, 2012. The task force shall continue to communicate and collaborate  
26 regarding a policy plan through December 31, 2014.

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

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

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

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

34 (b) Property of any value, other than a firearm as defined in RCW  
35 9.41.010 or a motor vehicle, taken from the person of another; (~~(or)~~)

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

1           (d) Metal wire, taken from a public service company, as defined in  
2 RCW 80.04.010, or a consumer-owned utility, as defined in RCW  
3 19.280.020, and the costs of the damage to the public service company's  
4 or consumer-owned utility's property exceed five thousand dollars in  
5 value.

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

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

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

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

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

18           (c) Metal wire, taken from a public service company, as defined in  
19 RCW 80.04.010, or a consumer-owned utility, as defined in RCW  
20 19.280.020, and the costs of the damage to the public service company's  
21 or consumer-owned utility's property exceed seven hundred fifty dollars  
22 but does not exceed five thousand dollars in value; or

23           (d) An access device.

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

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

**ADOPTED 3/2/12**

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

--- END ---