

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2570

Chapter 233, Laws of 2012

(partial veto)

62nd Legislature
2012 Regular Session

METAL PROPERTY THEFT

EFFECTIVE DATE: 06/07/12

Passed by the House March 5, 2012
Yeas 92 Nays 6

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2012
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 30, 2012, 1:06 p.m., with
the exception of Section 1 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
**ENGROSSED SUBSTITUTE HOUSE BILL
2570** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 30, 2012

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2570

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

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

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

1 (c) 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 maximum population less than five hundred thousand;

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

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

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

12 (g) A municipally owned utility;

13 (h) A representative of the Washington department of
14 transportation;

15 (i) A representative of the Washington state prosecutors
16 association;

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

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

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

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

24 (n) A representative from the Washington association of sheriffs
25 and police chiefs;

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

28 (p) A representative of the broadband and cable telecommunications
29 industry;

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

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

32 (s) A representative from the Washington state emergency
33 communications committee;

34 (t) A representative from the AM/FM radio communications industry;

35 (u) A representative from the Washington state farm bureau;

36 (v) A representative of crime victims, appointed by the office of
37 crime victims advocacy;

1 (w) A representative of a Washington state affiliate of a national
2 trade association representing commercial electrical contractors
3 installing electrical fixtures and materials; and

4 (x) A representative of a Washington state affiliate of a national
5 trade association representing commercial plumbing contractors
6 installing plumbing fixtures and materials.

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

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

12 (a) Penalties, both criminal and civil, for theft of commercial and
13 nonferrous metal property including, but not limited to, issues such as
14 categorization of crimes, trespass, organized commercial metal property
15 theft, and aggregation of crimes;

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

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

21 (d) Restrictions on cash purchases of commercial and nonferrous
22 metal property;

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

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

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

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

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

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

32 (7) Members must seek reimbursement for travel and other membership
33 expenses through their respective agencies or organizations within
34 existing resources.

35 (8) The task force shall report its preliminary findings and
36 recommendations for legislative action to the legislature by December
37 31, 2012. The task force shall continue to communicate and collaborate
38 regarding a policy plan through December 31, 2014.

1 **(9) This section expires December 31, 2014.**
*Sec. 1 was vetoed. See message at end of chapter.

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

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

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

8 (b) Property of any value, other than a firearm as defined in RCW
9 9.41.010 or a motor vehicle, taken from the person of another; (~~or~~)

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

12 (d) Metal wire, taken from a public service company, as defined in
13 RCW 80.04.010, or a consumer-owned utility, as defined in RCW
14 19.280.020, and the costs of the damage to the public service company's
15 or consumer-owned utility's property exceed five thousand dollars in
16 value.

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

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

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

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

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

29 (c) Metal wire, taken from a public service company, as defined in
30 RCW 80.04.010, or a consumer-owned utility, as defined in RCW
31 19.280.020, and the costs of the damage to the public service company's
32 or consumer-owned utility's property exceed seven hundred fifty dollars
33 but does not exceed five thousand dollars in value; or

34 (d) An access device.

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

Passed by the House March 5, 2012.

Passed by the Senate March 2, 2012.

Approved by the Governor March 30, 2012, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State March 30, 2012.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 1, Engrossed Substitute House Bill 2570 entitled:

"AN ACT Relating to metal property theft."

Section 1 creates a twenty-four member task force to study the issue of metal theft and make recommendations to the Legislature. As I have stated many times, I do not support the statutory creation of new boards, commissions, work groups, or task forces. I believe this task force can be assembled independently, by the interested parties, without the need for a statute. In the alternative, the Legislative Committee(s) with jurisdiction can make the issue part of its interim work plan.

For these reasons, I have vetoed Section 1 of Engrossed Substitute House Bill 2570.

With the exception of Section 1, Engrossed Substitute House Bill 2570 is approved."