



Rep. Michael Unes

Filed: 2/6/2012

09700HB3825ham001

LRB097 13574 JLS 65367 a

1 AMENDMENT TO HOUSE BILL 3825

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3825 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding  
5 Section 16-23 as follows:

6 (720 ILCS 5/16-23 new)

7 Sec. 16-23. Theft of recyclable metal.

8 (a) A person commits theft of recyclable metal when,  
9 without the consent of the owner, he or she knowingly obtains  
10 or exerts control over property of the owner or aids or assists  
11 in obtaining or exerting control over property of the owner:

12 (1) consisting of any recyclable metal as defined in  
13 Section 2 of the Recyclable Metal Purchase Registration  
14 Law; and

15 (2) which is manufactured, sold, or used as:

16 (A) a telegraph, telephone, cable

1           telecommunications, electric power transmission  
2           pedestal, underground residential distribution device,  
3           or pole;

4           (B) a telephone, cable telecommunications, or  
5           electric power line;

6           (C) a wire or fiber insulator, power supply,  
7           transformer, grounding system, transmission or other  
8           apparatus, equipment or fixture used in the  
9           transmission of telegraph, telephone, cable  
10           telecommunications, or electrical power service;

11           (D) equipment related to wireless communications  
12           regulated by the Federal Communications Commission;

13           (E) a fire hydrant, gutter, downspout, plumbing  
14           pipe, or plumbing fixture;

15           (F) an irrigation unit including a cable, pump, or  
16           power supply;

17           (G) a heating, ventilation, or air conditioning  
18           unit or system, or any component of a heating,  
19           ventilation, or air conditioning unit unit or system;  
20           or

21           (H) a guardrail, manhole cover, historical marker,  
22           or cemetery plaque.

23           (b) A person also commits theft of recyclable metal when he  
24           or she, in committing or attempting to commit theft of  
25           recyclable metal under subsection (a), knowingly damages or  
26           destroys any property of another by removing or damaging

1 recyclable metal components of that property.

2 (c) Sentence.

3 (1) Theft of recyclable metal not exceeding \$500 in  
4 value is a Class 4 felony.

5 (2) Theft of recyclable metal not exceeding \$500 in  
6 value if the theft was committed in a school or place of  
7 worship or if the theft was of governmental property is a  
8 Class 3 felony.

9 (3) Theft of recyclable metal exceeding \$500 and not  
10 exceeding \$10,000 in value, is a Class 2 felony.

11 (4) Theft of recyclable metal exceeding \$500 in value  
12 if the theft was committed in a school or place of worship  
13 or if the theft was of governmental property is a Class 1  
14 felony.

15 (5) Theft of recyclable metal exceeding \$10,000 in  
16 value is a Class 1 felony.

17 (6) For the purpose of this Section, "value" means the  
18 sum of the fair market value of any recyclable metal  
19 unlawfully obtained or controlled under subsection (a) of  
20 this Section and the fair market value of any property  
21 damaged or destroyed under subsection (b) of this Section.

22 Section 10. The Recyclable Metal Purchase Registration Law  
23 is amended by changing Sections 3, 4.5, 5, and 8 and by adding  
24 Sections 4.1, 4.2, 4.3, and 4.6 as follows:

1 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

2 Sec. 3. Records of purchases. Except as provided in Section  
3 5 of this Act every recyclable metal dealer in this State shall  
4 enter into an electronic record-keeping system or on forms  
5 provided by the Department of State Police or such department  
6 as may succeed to its functions, for each purchase of  
7 recyclable metal ~~valued at \$100 or more and for each~~  
8 ~~transaction involving the purchase of metal street signs~~ the  
9 following information:

10 1. The name and address of the recyclable metal dealer;

11 2. The date and place of each purchase;

12 3. The name and address of the person or persons from  
13 whom the recyclable metal was ~~or metal street signs were~~  
14 purchased, which shall be verified from a valid driver's  
15 license or State Identification Card. The recyclable metal  
16 dealer shall make and record a photocopy or electronic scan  
17 of the driver's license or State Identification Card. If  
18 the person delivering the recyclable metal ~~or metal street~~  
19 ~~signs~~ does not have a valid driver's license or State  
20 Identification Card, the recyclable metal dealer shall not  
21 complete the transaction;

22 4. The motor vehicle license number and state of  
23 issuance of the motor vehicle license number of the vehicle  
24 or conveyance on which the recyclable metal was delivered  
25 to the recyclable metal dealer;

26 5. A description of the recyclable metal ~~or metal~~

1 ~~street signs~~ purchased, including the weight and whether it  
2 consists of bars, cable, ingots, rods, tubing, wire, wire  
3 scraps, clamps, connectors, other appurtenances, or some  
4 combination thereof; and

5 6. A declaration signed and dated by the person or  
6 persons from whom the recyclable metal was ~~or metal street~~  
7 ~~signs were~~ purchased which states the following:

8 "I, the undersigned, affirm under penalty of law  
9 that the property that is subject to this transaction  
10 is not to the best of my knowledge stolen property."

11 ~~For purposes of this Section, "metal street sign" means any~~  
12 ~~sign displaying the name of the street on which it is located~~  
13 ~~and all signs, signals, markings, and other devices placed or~~  
14 ~~erected by authority of a public body or official having~~  
15 ~~jurisdiction, for the purpose of regulating, warning, or~~  
16 ~~guiding traffic.~~

17 The record of purchase ~~A copy of the completed form~~ shall  
18 be kept in a ~~separate~~ book or register or electronic  
19 record-keeping system by the recyclable metal dealer and shall  
20 be retained for a period of 3 ~~2~~ years. Such book or register or  
21 electronic record-keeping system shall be made available for  
22 inspection by any law enforcement official or the  
23 representatives of common carriers and persons, firms,  
24 corporations or municipal corporations engaged in ~~either~~ the  
25 generation, transmission or distribution of electric energy or  
26 engaged in telephone, telegraph or other communications, at any

1 time.

2 (Source: P.A. 95-979, eff. 1-2-09; 96-507, eff. 8-14-09.)

3 (815 ILCS 325/4.1 new)

4 Sec. 4.1. Restricted purchases.

5 (a) It is a violation of this Act for any person to sell or  
6 attempt to sell, or for any recyclable metal dealer to purchase  
7 or attempt to purchase, any of the following:

8 (1) materials that are clearly marked as property  
9 belonging to a business or someone else other than the  
10 seller;

11 (2) property associated with use by governments,  
12 utilities, or railroads including, but not limited to,  
13 guardrails, manhole covers, cables used only in  
14 high-voltage transmission lines, historical markers,  
15 street signs, traffic signs, or sewer grates, and any rail,  
16 switch component, spike, angle bar, tie plate, or bolt of  
17 the type used in constructing railroad track;

18 (3) cemetery plaques or ornaments; or

19 (4) any catalytic converter not attached to a motor  
20 vehicle at the time of the transaction.

21 (b) This Section shall not apply when the seller produces  
22 written documentation reasonably demonstrating that the seller  
23 is the owner of the recyclable metal material or is authorized  
24 to sell the material on behalf of the owner. The recyclable  
25 metal dealer shall copy any such documentation and maintain it

1 along with the purchase record required by Section 3 of this  
2 Act.

3 (815 ILCS 325/4.2 new)

4 Sec. 4.2. Purchases of HVAC recyclable metal.

5 A recyclable metal dealer shall not pay cash in payment for  
6 any air conditioner evaporator coil or condenser having a value  
7 of \$100 or more. Payment for these materials must be made as  
8 follows:

9 (1) by check or money order;

10 (2) the payee on the check or money order shall be the  
11 same person as the seller who conducted the transaction;

12 (3) if the seller is a business, then the recyclable  
13 metal dealer shall make the check or money order payable to  
14 the company, and not to any individual employee or agent of  
15 the company.

16 (815 ILCS 325/4.3 new)

17 Sec. 4.3. Purchases of copper. A recyclable metal dealer  
18 shall not pay cash in payment for any copper, including copper  
19 tubing or wiring, having a value of \$100 or more. Payment for  
20 these materials must be made as follows:

21 (1) by check or money order;

22 (2) the payee on the check or money order shall be the  
23 same person as the seller who conducted the transaction;

24 (3) if the seller is a business, then the recyclable

1       metal dealer shall make the check or money order payable to  
2       the company, and not to any individual employee or agent of  
3       the company.

4       (815 ILCS 325/4.5)

5       Sec. 4.5. Purchase of beer kegs by recyclable metal  
6       dealers.

7       (a) A recyclable metal dealer may not purchase metal beer  
8       kegs from any person other than the beer manufacturer whose  
9       identity is printed, stamped, attached, or otherwise displayed  
10      on the beer keg, or from the manufacturer's authorized  
11      representative.

12      (b) The purchaser shall obtain a proof of ownership record  
13      from a person selling the beer keg, including any person  
14      selling a beer keg with an indicia of ownership that is  
15      obliterated, unreadable, or missing, and shall also verify the  
16      seller's identity by a driver's license or State Identification  
17      Card ~~other government issued photo identification~~. The proof  
18      of ownership record shall include all of the following  
19      information:

20           (1) The name, address, telephone number, and signature  
21           of the seller or the seller's authorized representative.

22           (2) The name and address of the buyer, or consignee if  
23           not sold.

24           (3) A description of the beer keg, including its  
25           capacity and any indicia of ownership or other

1 distinguishing marks appearing on the exterior surface.

2 (4) The date of transaction.

3 (c) The information required to be collected by this  
4 Section shall be kept for one year from the date of purchase or  
5 delivery, whichever is later.

6 (Source: P.A. 95-979, eff. 1-2-09.)

7 (815 ILCS 325/4.6 new)

8 Sec. 4.6. Lost or stolen metals.

9 If a recyclable metal dealer suspects property in his or  
10 her possession to be lost or stolen, then he or she shall  
11 immediately notify the local law enforcement agency having  
12 jurisdiction and provide the law enforcement agency with the  
13 seller's information.

14 (815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

15 Sec. 5. Exemptions. The provisions of Sections 3, 4.2, and  
16 4.3 ~~Section 3~~ of this Act do not apply to electrical  
17 contractors, to agencies or instrumentalities of the State of  
18 Illinois or of the United States, to units of local government,  
19 their agents or representatives, that have contracted with the  
20 recyclable metal dealer in the disposal of its metal street  
21 signs, to common carriers or to purchases from persons, firms  
22 or corporations regularly engaged in the business of  
23 manufacturing recyclable metal, the business of selling  
24 recyclable metal at retail or wholesale, in the business of

1 razing, demolishing, destroying or removing buildings, to the  
2 purchase of one recyclable metal dealer from another or the  
3 purchase from persons, firms or corporations engaged in either  
4 the generation, transmission or distribution of electric  
5 energy or in telephone, telegraph and other communications if  
6 such common carriers, persons, firms or corporations at the  
7 time of the purchase provide the recyclable metal dealer with a  
8 bill of sale or other written evidence of title to the  
9 recyclable metal.

10 (Source: P.A. 95-979, eff. 1-2-09; 96-507, eff. 8-14-09.)

11 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

12 Sec. 8. Penalty. Any recyclable metal dealer or other  
13 person who knowingly fails to comply with this Act is guilty of  
14 a Class A misdemeanor for the first offense, and a Class 4  
15 felony for the second or subsequent offense. Each day that any  
16 recyclable metal dealer so fails to comply shall constitute a  
17 separate offense.

18 (Source: P.A. 95-979, eff. 1-2-09.)".