

February 26, 2007

H 367. INCREASE CRIMINAL PENALTY/THEFT OF METALS (=S 201). Filed 2/23/07. *TO STRENGTHEN THE LAW REGULATING THE SALE OF CERTAIN METALS BY SECONDARY METALS RECYCLERS AND TO INCREASE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS, FOR ILLEGAL SALES OF CERTAIN METALS, AND FOR THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES TO OBTAIN WIRE OR METALS FOR UNLAWFUL GAIN.* Identical to S 201, filed 2/15/07.

Intro. by Current.

GS 14, 66

April 11, 2007

H 367. INCREASE CRIMINAL PENALTY/THEFT OF METALS. Filed 2/23/07. House committee substitute makes the following changes to 1st edition. Amends GS 66-11 by removing proposed changes to section title, (b)(2)e., g. and h., (f), and proposed (f1). Also requires the source and physical address where the metal was obtained by the seller and a photocopy of identification of the person delivering the metal to be maintained when a secondary metals recycler purchases copper, brass, or aluminum, other than cans. Amends GS 14-154 to increase the penalty for injuring wires or other telephone, telegraph, and electric-power fixtures from a Class 1 misdemeanor to a Class I felony and include as a Class I felony injuring wires and other cable fixtures. Removes the requirement that there be an intent to sell or use the pole, wire, insulator, or other fixture to obtain any profit, gain, remuneration, or compensation to be guilty of a Class I felony.

July 3, 2007

H 367. INCREASE CRIMINAL PENALTY/THEFT OF METALS. Filed 2/23/07. Senate committee substitute makes the following changes to 2nd edition. Modifies proposed amendments to GS 66-11 as follows: Redefines *secondary metals recycler* as any person, firm, or corporation in NC engaged (was, *predominately* engaged) in the business of dealing in regulated metals property as defined in GS 6-11. Adds new recordkeeping requirements that include (1) requiring the seller to provide a signed statement that the seller has a lawful right to sell and dispose of the property, (2) requiring the recycler to maintain a record of the license plate number of the vehicle used to deliver the regulated metals, and (3) directing that a secondary metals recycler may not complete a transaction if the delivery person does not have proper identification as specified in the statute. Requires a secondary metals recycler to make receipts for purchases available to law enforcement upon request. Expands the purchase limitations to cover receipt of regulated metals from minors. Requires a recycler convicted of certain felonies to hold metals for seven days before selling or altering them. Provides that a second or subsequent violation of the statute is a Class I Felony.

Enacts new GS 66-11.2 to provide for the forfeiture of vehicles used to transport unlawfully obtained regulated metals property. Provides exceptions to forfeiture, criteria for seizing a vehicle without process, and rules governing the disposition of a seized vehicle.

July 31, 2007

SL 2007-301 (H 367). INCREASE CRIMINAL PENALTY/THEFT OF METALS. AN ACT TO STRENGTHEN THE LAW REGULATING THE SALE OF CERTAIN METALS BY SECONDARY METALS RECYCLERS, TO ADD WIRELESS AND CABLE TELECOMMUNICATIONS EQUIPMENT TO THE STATUTE PROVIDING PENALTIES FOR THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, TO INCREASE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS OF THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, AND TO PROVIDE FOR FORFEITURE OF VEHICLES USED IN FELONIOUS THEFT OF METALS. Summarized in *Daily Bulletin* 2/26/07, 4/11/07, and 7/3/07. Enacted July 28, 2007. Effective December 1, 2007.