

HB0393



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0393

by Rep. Michael Unes

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1.4 new

Amends the Criminal Code of 2012. Creates the offense of theft of recyclable metal. Provides that a person commits theft of recyclable metal when, without the consent of the owner, he or she knowingly obtains or exerts control over property consisting of any recyclable metal as defined in the Recyclable Metal Purchase Registration Law that is manufactured, sold, or used for certain specified purposes. Provides that a person also commits theft of recyclable metal when he or she, in committing theft of recyclable metal, knowingly damages or destroys any property of another by removing or damaging recyclable metal components of that property. Provides differing criminal penalties depending on the value or type of the recyclable metal and where it was acquired.

LRB099 05196 RLC 25227 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by adding
5 Section 16-1.4 as follows:

6 (720 ILCS 5/16-1.4 new)

7 Sec. 16-1.4. 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) telegraph, telephone, cable
17 telecommunications, or electric transmission or
18 distribution equipment including, but not limited to,
19 wires, transformers, grounds, grounding straps or
20 wire, poles, pedestals, or underground equipment;

21 (B) telephone, cable telecommunications, or
22 electric power line equipment;

23 (C) a wire or fiber insulator, power supply,

1 transformer, grounding system, transmission or other
2 apparatus, equipment or fixture used in the
3 transmission of telegraph, telephone, cable
4 telecommunications, or electrical power service;

5 (D) equipment related to wireless communications
6 regulated by the Federal Communications Commission;

7 (E) a fire hydrant, gutter, downspout, plumbing
8 pipe, or plumbing fixture;

9 (F) an irrigation unit including a cable, pump, or
10 power supply;

11 (G) a heating, ventilation, or air conditioning
12 unit or system, or any component of a heating,
13 ventilation, or air conditioning unit or system; or

14 (H) a guardrail, manhole cover, historical marker,
15 or cemetery plaque.

16 (b) A person also commits theft of recyclable metal when he
17 or she, in committing theft of recyclable metal under
18 subsection (a), knowingly damages or destroys any property of
19 another by removing or damaging recyclable metal components of
20 that property.

21 (c) Sentence.

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

24 (2) Theft of recyclable metal not exceeding \$500 in
25 value if the theft was committed in a school or place of
26 worship or if the theft was of governmental property is a

1 Class 3 felony.

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

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

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

10 (6) For the purpose of this subsection, "value" means
11 the sum of:

12 (A) the fair market value of any recyclable metal
13 unlawfully obtained or controlled under subsection (a)
14 of this Section;

15 (B) the fair market value of any property damaged
16 or destroyed under subsection (b) of this Section; and

17 (C) the cost of restoring electric, water, gas, or
18 other utility service if the theft of recyclable metal
19 proximately causes an interruption in the utility
20 service.