



Rep. Michael Unes

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1 AMENDMENT TO HOUSE BILL 3825

2 AMENDMENT NO. _____. Amend House Bill 3825, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (720 ILCS 5/16-23 new)

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

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

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

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

1 (A) telegraph, telephone, cable
2 telecommunications, or electric transmission or
3 distribution equipment including, but not limited to,
4 wires, transformers, grounds, grounding straps or
5 wire, poles, pedestals, or underground equipment;

6 (B) telephone, cable telecommunications, or
7 electric power line equipment;

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

13 (D) equipment related to wireless communications
14 regulated by the Federal Communications Commission;

15 (E) a fire hydrant, gutter, downspout, plumbing
16 pipe, or plumbing fixture;

17 (F) an irrigation unit including a cable, pump, or
18 power supply;

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

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

24 (b) A person also commits theft of recyclable metal when he
25 or she, in committing or attempting to commit theft of
26 recyclable metal under subsection (a), knowingly damages or

1 destroys any property of another by removing or damaging
2 recyclable metal components of that property.

3 (c) Sentence.

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

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

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

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

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

18 (6) For the purpose of this Section, "value" means the
19 sum of:

20 (A) the fair market value of any recyclable metal
21 unlawfully obtained or controlled under subsection (a)
22 of this Section;

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

25 (C) the cost of restoring electric, water, gas, or
26 other utility service if the theft of recyclable metal

1 proximately causes an interruption in the utility
2 service.

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

6 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

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

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

16 2. The date and place of each purchase;

17 3. The name and address of the person or persons from
18 whom the recyclable metal was ~~or metal street signs were~~
19 purchased, which shall be verified from a valid driver's
20 license or other government-issued photo identification
21 ~~State Identification Card~~. The recyclable metal dealer
22 shall make and record a photocopy or electronic scan of the
23 driver's license or other government-issued photo
24 identification ~~State Identification Card~~. If the person

1 delivering the recyclable metal ~~or metal street signs~~ does
2 not have a valid driver's license or other
3 government-issued photo identification ~~State~~
4 ~~Identification Card~~, the recyclable metal dealer shall not
5 complete the transaction;

6 4. The motor vehicle license number and state of
7 issuance of the motor vehicle license number of the vehicle
8 or conveyance on which the recyclable metal was delivered
9 to the recyclable metal dealer;

10 5. A description of the recyclable metal ~~or metal~~
11 ~~street signs~~ purchased, including the weight and whether it
12 consists of bars, cable, ingots, rods, tubing, wire, wire
13 scraps, clamps, connectors, other appurtenances, or some
14 combination thereof; and

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

18 "I, the undersigned, affirm under penalty of law
19 that the property that is subject to this transaction
20 is not to the best of my knowledge stolen property."

21 ~~For purposes of this Section, "metal street sign" means any~~
22 ~~sign displaying the name of the street on which it is located~~
23 ~~and all signs, signals, markings, and other devices placed or~~
24 ~~erected by authority of a public body or official having~~
25 ~~jurisdiction, for the purpose of regulating, warning, or~~
26 ~~guiding traffic.~~

1 The record of purchase ~~A copy of the completed form~~ shall
2 be kept in a ~~separate~~ book or register or electronic
3 record-keeping system by the recyclable metal dealer and shall
4 be retained for a period of 3 2 years. Such book or register or
5 electronic record-keeping system shall be made available for
6 inspection by any law enforcement official or the
7 representatives of common carriers and persons, firms,
8 corporations or municipal corporations engaged in ~~either~~ the
9 generation, transmission or distribution of electric energy or
10 engaged in telephone, telegraph or other communications, at any
11 time.

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

13 (815 ILCS 325/4.1 new)

14 Sec. 4.1. Restricted purchases.

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

18 (1) materials that are clearly marked as property
19 belonging to a business or someone else other than the
20 seller;

21 (2) property associated with use by governments,
22 utilities, or railroads including, but not limited to,
23 guardrails, manhole covers, electric transmission and
24 distribution equipment, including transformers, grounding
25 straps, wire or poles, historical markers, street signs,

1 traffic signs, sewer grates, or any rail, switch component,
2 spike, angle bar, tie plate, or bolt of the type used in
3 constructing railroad track;

4 (3) cemetery plaques or ornaments; or

5 (4) any catalytic converter not attached to a motor
6 vehicle at the time of the transaction unless the seller is
7 licensed as an automotive parts recycler, scrap processor,
8 repairer, or rebuilder under the Illinois Vehicle Code.

9 (b) This Section shall not apply when the seller produces
10 written documentation reasonably demonstrating that the seller
11 is the owner of the recyclable metal material or is authorized
12 to sell the material on behalf of the owner. The recyclable
13 metal dealer shall copy any such documentation and maintain it
14 along with the purchase record required by Section 3 of this
15 Act.

16 (815 ILCS 325/4.2 new)

17 Sec. 4.2. Purchases of HVAC recyclable metal.

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

22 (1) by check or money order;

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

25 (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 325/4.3 new)

5 Sec. 4.3. Purchases of copper. A recyclable metal dealer
6 shall not pay cash in payment for any copper, including copper
7 tubing or wiring, having a value of \$100 or more. Payment for
8 these materials must be made as 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 325/4.6 new)

17 Sec. 4.6. Lost or stolen metals.

18 If a recyclable metal dealer suspects property in his or
19 her possession to be lost or stolen, then he or she shall
20 immediately notify the local law enforcement agency having
21 jurisdiction and provide the law enforcement agency with the
22 seller's information.

23 (815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

1 Sec. 5. Exemptions. The provisions of Sections 3, 4.2, and
2 4.3 ~~Section 3~~ of this Act do not apply to electrical
3 contractors, to agencies or instrumentalities of the State of
4 Illinois or of the United States, to units of local government,
5 their agents or representatives, that have contracted with the
6 recyclable metal dealer in the disposal of its metal street
7 signs, to common carriers or to purchases from persons, firms
8 or corporations regularly engaged in the business of
9 manufacturing recyclable metal, the business of selling
10 recyclable metal at retail or wholesale, in the business of
11 razing, demolishing, destroying or removing buildings, to the
12 purchase of one recyclable metal dealer from another or the
13 purchase from persons, firms or corporations engaged in either
14 the generation, transmission or distribution of electric
15 energy or in telephone, telegraph and other communications if
16 such common carriers, persons, firms or corporations at the
17 time of the purchase provide the recyclable metal dealer with a
18 bill of sale or other written evidence of title to the
19 recyclable metal.

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

21 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

22 Sec. 8. Penalty. Any recyclable metal dealer or other
23 person who knowingly fails to comply with this Act is guilty of
24 a Class A misdemeanor for the first offense, and a Class 4
25 felony for the second or subsequent offense. Each day that any

1 recyclable metal dealer so fails to comply shall constitute a
2 separate offense.
3 (Source: P.A. 95-979, eff. 1-2-09.)".