

BILL ANALYSIS

Senate Research Center
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S.B. 1154
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas, along with most states nationwide, is experiencing an increase in thefts of metals, such as copper, bronze, and brass. Copper in particular has become a prime target for thieves largely because the price of copper has increased significantly in the last year. Losses from copper theft include not only the value of the stolen copper, but also losses resulting from damage done during the process of extracting copper from property and equipment.

Several states are exploring ways to bring the problem under control. Texas provides for penalties for the offenses of theft and criminal mischief and the penalties can escalate to second and third degree felonies depending on the value of the property stolen or equipment or property damaged, but those penalties have not been sufficient to stem the tide of this crime.

In addition to penalties for theft, Chapter 1956 (Sales To Metal Dealers And Metal Recycling Entities), Occupations Code, relating to sales to metal dealers and metal recycling entities, sets out requirements for purchases of secondhand metals by metal dealers and recycling entities. The requirements are intended to curtail sales of stolen metals and include requirements that certain identifying information must be collected from a seller at the time of sale and that records must be prepared and maintained by the purchaser relating to the specific purchase of metals. However, these measures have also been insufficient to address the problem.

As proposed, S.B. 1154 requires a seller to provide, in addition to other information required to be provided, the make, model and license plate number of the automobile used to transport the metal materials to the place of sale. The bill additionally requires that the purchaser of the metals make a copy of the identification presented by the seller and maintain the identification documents in the dealer's records. Current law regulating the sales and purchases of regulated materials applies only to sales of copper or brass of 50 pounds or more. This legislation eliminates the 50-pound threshold, subjecting all sales of copper or brass to the provisions of the chapter. S.B. 1154 also makes providing false information under the chapter an offense and increases the offense categories and penalties for violations under the chapter. These measures are intended to provide law enforcement with additional tools to identify and apprehend copper thieves.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1956.004, Occupations Code, as follows:

Sec. 1956.004. INFORMATION PROVIDED BY SELLER. (a) Requires a person attempting to sell regulated material to a secondhand metal dealer to take certain actions, including to provide to the secondhand metal dealer the make, model, and license plate number of the motor vehicle used to transport the regulated material, rather than sign a statement that the person does not possess a personal identification document. Redesignates Subdivision (2) as (3).

(b) Makes conforming changes.

(c) Requires the secondhand metal dealer or the dealer's agent to visually verify the accuracy of the identification presented by the seller at the time of the purchase of regulated material and make a copy of the identification to be maintained by the dealer in the dealer's records.

SECTION 2. Amends Section 1956.005, Occupations Code, to require a secondhand metal dealer to keep a written record of certain purchases, including copper or brass material, rather than copper and brass material in excess of 50 pounds, aluminum material in excess of 10, rather than 40, pounds, and the information required by Section 1956.004, rather than the statement required by Section 1956.004(a)(2).

SECTION 3. Amends Section 1956.006, Occupations Code, to require a secondhand metal dealer to preserve certain records required by Sections 1956.004 and 1956.005.

SECTION 4. Amends Section 1956.010, Occupations Code, as follows:

Sec. 1956.010. PROHIBITED ACTS. Prohibits a person from making certain misrepresentations in connection with the execution of a written statement required by Section 1956.004(a)(3), rather than Section 1956.004(a)(1) or (2), or displaying or providing certain information to a secondhand metal dealer under Section 1956.004 that the person knows is false or invalid.

SECTION 5. Amends Sections 1956.011(b), (c), and (d), Occupations Code, as follows:

(b) Provides that an offense under this section is a felony of the third degree, rather than a Class B misdemeanor, unless it is shown on the trial of the offense that the person has been convicted of a violation of this subchapter within the 24, rather than 36, months preceding the date of the offense, in which event the offense is a felony of the second degree. Authorizes a court to order that the dealer cease doing business as a secondhand metal dealer for a period not to exceed two years, rather than 30 days, from the date of the order for each violation that forms the basis of the conviction. Deletes an exception as provided by Subsection (c).

SECTION 6. Makes the application of this Act prospective.

SECTION 7. Effective date: September 1, 2007.