



**House Economic Development and Tourism Reported
Substitute for HB482**

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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Sections 13A-8-36, 13A-8-37, 13A-8-37.1, and 13A-8-37.4, Code of Alabama 1975, to further provide for thefts involving secondary metals; to provide additional requirements of persons engaged in the sale and recycling of certain secondary metals; to provide certain requirements for the recycling of certain types of copper; and to further provide for certain penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-8-36, 13A-8-37, 13A-8-37.1, and 13A-8-37.4, Code of Alabama 1975, are amended to read as follows:

"§13A-8-36

(a) It is unlawful for a person with the intent to damage property and having no right to do so, or any reasonable ground to believe that he or she has such a right, to damage~~damages~~ or ~~destroys~~destroy any of the following:

(1) Telecommunications, cable communications, or an electric power transmission pedestal or pole owned or operated by a telecommunications, cable, or electric power company or



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29 cooperative, ~~or an~~ a electric power supplier, or a railroad.

30 (2) Telecommunications, cable communications, or
31 electric power grounding or any other equipment or materials
32 used in the delivery of electricity, wire, fiber insulator,
33 power supply transformer, ground wire, or other apparatus,
34 equipment, or fixture used in the transmission of
35 telecommunications, cable communications, or electric power
36 owned or operated by a telecommunications, cable, or electric
37 power company or cooperative, ~~or an~~ a electric power supplier, or
38 a railroad.

39 (3) Equipment used in the transmission of wireless
40 communications or related to wireless communications.

41 (4) Equipment used at any facility of ~~over the~~
42 air-over-the-air broadcast companies.

43 (5) Railroad materials and lading, including, but not
44 limited to, any rail telecommunications; cable communications;
45 power and signal equipment and wires; road/rail crossing
46 signals, equipment, and wires; metal property lading being
47 transported by a railroad; and any railroad track and other
48 operating materials, including switch component, spike, angle
49 bar, tie plate, or bolt of the type used in constructing
50 railroads.

51 (6) ~~Electric~~ Any electric power line, gas line, water
52 line, wire or fiber insulators, electric motors or other
53 apparatus, heating and cooling systems, and environmental
54 control systems that are connected to farm shops, on-farm
55 grain drying and storage complexes, animal production
56 facilities, irrigation systems, greenhouse facilities, or



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57 other agricultural, forestry, or food-related activities,
58 equipment, structures, systems, or vehicles.

59 (7) Any electric power line, gas line, water line, wire
60 or fiber insulators, fencing, gates, security structures,
61 electric motors or other apparatus, metering instruments,
62 communications antenna, environmental control systems, and
63 processing plants that are connected to oil, natural gas,
64 coalbed methane, shale gas, or other petroleum producing
65 properties, equipment, structures, systems, or vehicles.

66 (8) Any metal property from a school, place of worship,
67 or a secondary metals recycler's premises.

68 (9) A copper, aluminum, or aluminum-copper condensing
69 or evaporating coil, including its tubing or rods, from a
70 heating or air conditioning unit, excluding scrap from window
71 air conditioning units and automobile condenser coils, unless
72 ~~any one~~either of the following criteria are satisfied:

73 a. The condenser coils are being sold by a licensed
74 contractor, HVAC contractor, plumber, or electrician and a
75 current and valid license with number is provided at the time
76 of sale and copied or scanned by the secondary metals recycler
77 at the time of sale.

78 b. The condenser coils are being sold by a person with
79 verifiable documentation, such as a receipt or work order,
80 indicating that the condenser coils are the result of a
81 replacement of an air conditioner unit or condenser coils
82 performed by a licensed contractor.

83 (10) Utility access covers, manhole covers, or storm
84 drain covers, unless the seller is a company that deals in the



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85 manufacture or sale of the aforementioned products.

86 (11) Grave markers, vases, memorials, statues, plaques,
87 or other bronze objects used at a cemetery or other location
88 where deceased ~~persons~~individuals are interred or
89 memorialized, or any other metal historic markers or monuments
90 or the attached support or post to either, unless the seller
91 is a company that deals in the manufacture or sale of the
92 aforementioned products.

93 (b) (1) ~~Any~~ Except as provided in subdivision (2), any
94 person in violation of this section shall be guilty of a Class
95 C felony and shall be sentenced to a term of imprisonment of
96 not less than two years.

97 ~~(e)~~ (2) Any person in violation of this section shall be
98 guilty of a Class B felony and shall be sentenced to a term of
99 imprisonment of not less than three years if the damage or
100 destruction causes imminent danger to the health and safety of
101 the public, a metal owner's employees, first responders, law
102 enforcement officers, or utility workers, or cause an
103 interruption in communications services or electric utility
104 services. For purposes of this ~~subsection~~subdivision,
105 "imminent danger" means the existence of any condition that
106 could hinder or disrupt the normal operation of equipment,
107 systems, or services provided for the health and safety of the
108 public, metal owner's employees, first responders, law
109 enforcement officers, or utility workers, or cause an
110 interruption in communications services or electric utility
111 services.

112 (3) Notwithstanding any provision of law to the



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113 contrary, any term of imprisonment imposed pursuant to this
114 section shall run consecutive with any other term of
115 imprisonment for any other offense and shall not be eligible
116 for any of the following:

117 a. Probation.

118 b. Community corrections.

119 c. Any split or suspended sentence provision pursuant
120 to Section 15-18-8.

121 d. Any type of early release program, work release
122 program, good time, or any other program which would change
123 the overall time or location of incarceration.

124 e. Any sentencing schedule or worksheet adopted,
125 created, or otherwise released by the Alabama Sentencing
126 Commission.

127 ~~(d)~~ (c) At the time of sentencing of any person
128 convicted under this section, the judge may order restitution
129 in an amount determined by the court; provided, however, the
130 amount shall not be less than the value of the metal property
131 determined to have been damaged or stolen and shall include
132 the cost of replacement and the cost to repair any and all
133 damage caused during the commission of the crime for which the
134 person is convicted."

135 "§13A-8-37

136 (a) It is unlawful for a person to possess or control
137 the following property knowing that ~~it~~ the property has been
138 stolen or having reasonable grounds to believe ~~it~~ the property
139 has been stolen, unless the property is possessed or
140 controlled with intent to restore it to the owner:



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141 (1) Metal property marked with the initials of an
142 electrical company, a telephone company, a cable company,
143 another public utility, a railroad, or a brewer.

144 (2) Utility access covers, manhole covers, or storm
145 drain covers, unless the seller is a company that deals in the
146 manufacture or sale of the aforementioned products.

147 (3) Street light poles ~~and~~or fixtures, unless the
148 seller is a company that deals in the manufacture or sale of
149 ~~the aforementioned~~such products.

150 (4) Road and bridge guard rails unless the seller is a
151 company that deals in the manufacture or sale of ~~the~~
152 ~~aforementioned~~such products.

153 (5) Highway or street signs, traffic light signals,
154 ~~and~~or traffic directional and control signs unless the seller
155 is a company that deals in the manufacture or sale of ~~the~~
156 ~~aforementioned~~such products.

157 (6) Water meter covers unless the seller is a company
158 that deals in the manufacture or sale of ~~the~~
159 ~~aforementioned~~such products.

160 (7) Metal beer kegs including those made of stainless
161 steel that are clearly marked as being the property of a beer
162 manufacturer unless the seller is a company that deals in the
163 manufacture or sale of ~~the aforementioned~~such products.

164 (8) Metal property marked with the name of a government
165 entity.

166 (9) Unused and undamaged building construction or
167 utility materials consisting of copper, pipe, tubing or
168 wiring, aluminum wire, or historical markers.



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169 (10) Grave markers, vases, memorials, statues, plaques,
170 or other bronze objects used at a cemetery or other location
171 where deceased ~~persons~~individuals are interred or
172 memorialized, unless the seller is a company that deals in the
173 manufacture or sale of ~~the aforementioned~~such products.

174 (11) A copper, aluminum, or aluminum-copper condensing
175 or evaporating coil, including its tubing or rods, from a
176 heating or air conditioning unit, excluding scrap from window
177 air conditioning units and automobile condenser coils, unless
178 any one of the following criteria are satisfied:

179 a. The condenser coils are being sold by a licensed
180 contractor, HVAC contractor, plumber, or electrician and a
181 current and valid license with number is provided at the time
182 of sale and copied or scanned by the secondary metals recycler
183 at the time of sale.

184 b. The condenser coils are being sold by a person with
185 verifiable documentation, such as a receipt or work order,
186 indicating that the condenser coils are the result of a
187 replacement of an air conditioner unit or condenser coils
188 performed by a licensed contractor.

189 (b) ~~Any person who violates the requirements of A~~
190 violation of subdivision (a) (2) or (a) (10) shall be ~~guilty of~~
191 a-punished as follows:

192 (1) On a first violation in a 10-year period, the
193 person shall be guilty of a Class C felony~~for a first~~
194 ~~offense,~~ and shall be sentenced to a term of imprisonment of
195 not less than two years.

196 (2) On a second violation in a 10-year period, the



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197 person shall be guilty of a Class B felony ~~for a second~~
198 ~~offense, and~~ and shall be sentenced to a term of imprisonment
199 of not less than five years.

200 (3) On a third or subsequent violation in a 10-year
201 period, the person shall be guilty of a Class A felony ~~for a~~
202 ~~third or subsequent offense within a 10-year period~~ and shall
203 be sentenced to a term of imprisonment of not less than 10
204 years.

205 (c) ~~Any person who violates the requirements of A~~
206 ~~violation of subdivisions~~ subdivision (a) (1), (a) (3), (a) (4),
207 (a) (5), (a) (6), (a) (7), (a) (8), ~~or~~ (a) (9), or (a) (11) ~~of~~
208 ~~subsection (a)~~ shall be punished as follows:

209 (1) On a first violation in a 10-year period, the
210 person shall be guilty of a Class B misdemeanor ~~for a first~~
211 ~~offense, .~~

212 (2) On a second violation in a 10-year period, the
213 person shall be guilty of a Class A misdemeanor ~~for a second~~
214 ~~offense, and~~ and shall be sentenced to a term of imprisonment
215 of not less than six months.

216 (3) On a third or subsequent violation in a 10-year
217 period, the person shall be guilty of a Class C felony ~~for a~~
218 ~~third or subsequent offense within a 10-year period~~ and shall
219 be sentenced to a term of imprisonment of not less than two
220 years.

221 (d) Notwithstanding any provision of law to the
222 contrary, any term of imprisonment imposed pursuant to this
223 section shall run consecutive with any other term of
224 imprisonment for any other offense and shall not be eligible



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225 for any of the following:

226 (1) Probation.

227 (2) Community corrections.

228 (3) Any split or suspended sentence provision pursuant
229 to Section 15-18-8.

230 (4) Any type of early release program, work release
231 program, good time, or any other program which would change
232 the overall time or location of incarceration.

233 (5) Any sentencing schedule or worksheet adopted,
234 created, or otherwise released by the Alabama Sentencing
235 Commission."

236 "§13A-8-37.1

237 (a) It is unlawful for a secondary metals recycler to
238 purchase the following property unless a copy of verifiable
239 documentation in addition to the signed statement required by
240 ~~subdivision (a) (6) of~~ Section 13A-8-31 (a) (6) is provided to
241 the secondary metals recycler that the seller is the owner of
242 the property:

243 (1) Catalytic converters that are not part of an entire
244 motor vehicle.

245 (2) Metal property of a telephone company, an electric
246 company, a cable company, a water company, another utility, or
247 a railroad marked or otherwise identified as such.

248 (3) Copper wire that has been burned to remove the
249 insulation, unless verifiable documentation is provided that
250 the source of the copper wire was in a building destroyed by
251 fire.

252 (4) A copper, aluminum, or aluminum-copper condensing



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253 or evaporating coil, including its tubing or rods, from a
254 heating or air conditioning unit, excluding scrap from window
255 air conditioning units and automobile condenser coils, unless
256 any one of the following criteria are satisfied:

257 a. The condenser coils are being sold by a licensed
258 contractor, HVAC contractor, plumber, or electrician and a
259 current and valid license with number is provided at the time
260 of sale and copied or scanned by the secondary metals recycler
261 at the time of sale.

262 b. The condenser coils are being sold by a person with
263 verifiable documentation, such as a receipt or work order,
264 indicating that the condenser coils are the result of a
265 replacement of an air conditioner unit or condenser coils
266 performed by a licensed contractor.

267 (5) Utility access covers, manhole covers, or storm
268 drain covers, unless the seller is a company that deals in the
269 manufacture or sale of the aforementioned products.

270 (6) Grave markers, vases, memorials, statues, plaques,
271 or other bronze objects used at a cemetery or other location
272 where deceased ~~persons~~individuals are interred or memorialized
273 or any other metal historic markers or monuments or the
274 attached support or post to either, unless the seller is a
275 company that deals in the manufacture or sale of the
276 aforementioned products.

277 (7) Any metal property that has been brightly painted
278 or marked to deter theft of the property.

279 (8) Ventilation fans or similar fans designed to supply
280 fresh air to workers in confined spaces, such as underground



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281 mines or other similar circumstances.

282 (b) (1) Any person in violation of this section shall be
283 guilty of a Class B felony and shall be sentenced to a term of
284 not less than three years.

285 (2) Notwithstanding any provision of law to the
286 contrary, any term of imprisonment imposed pursuant to this
287 section shall run consecutive with any other term of
288 imprisonment for any other offense and shall not be eligible
289 for any of the following:

290 a. Probation.

291 b. Community corrections.

292 c. Any split or suspended sentence provision pursuant
293 to Section 15-18-8.

294 d. Any type of early release program, work release
295 program, good time, or any other program which would change
296 the overall time or location of incarceration.

297 e. Any sentencing schedule or worksheet adopted,
298 created, or otherwise released by the Alabama Sentencing
299 Commission."

300 "§13A-8-37.4

301 (a) It is unlawful for a possessor or seller of ~~a used,~~
302 ~~detached catalytic converter, or any nonferrous part of a~~
303 ~~catalytic converter,~~ property described in Section 13A-8-37(a)
304 to provide any false, fraudulent, altered, or counterfeit
305 information or documentation as required by ~~Section~~
306 ~~13A-8-37.3~~ this article.

307 (b) A person who commits a violation of this section ~~is~~
308 shall be punished as follows:



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309 (1) On a first violation in a 10-year period, the
310 person shall be guilty of a Class A misdemeanor and shall be
311 sentenced to a term of imprisonment of not less than six
312 months.

313 (2) On a second or subsequent violation within a
314 10-year period, the person ~~is~~ shall be guilty of a Class C
315 felony and shall be sentenced to a term of imprisonment of not
316 less than two years.

317 (c) Notwithstanding any provision of law to the
318 contrary, any term of imprisonment imposed pursuant to this
319 section shall run consecutive with any other term of
320 imprisonment for any other offense and shall not be eligible
321 for any of the following:

322 (1) Probation.

323 (2) Community corrections.

324 (3) Any split or suspended sentence provision pursuant
325 to Section 15-18-8.

326 (4) Any type of early release program, work release
327 program, good time, or any other program which would change
328 the overall time or location of incarceration.

329 (5) Any sentencing schedule or worksheet adopted,
330 created, or otherwise released by the Alabama Sentencing
331 Commission."

332 Section 2. This act shall become effective on October
333 1, 2026.