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Bannister
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CS FOR HOUSE BILL NO. 305(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE CHENAULT

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the records of metal scrappers; relating to the crime of criminal**
2 **mischief for removing metal from property; repealing the requirement that a junk**
3 **dealer or metal scrapper obtain a license; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 08.60 is amended by adding new sections to read:

6 **Article 3. Scrap Metal Dealer Record Requirements.**

7 **Sec. 08.60.200. Records required.** (a) A scrap metal dealer shall maintain an
8 accurate paper or electronic record of each in-person transaction in which the dealer
9 purchases scrap metal for \$100 or more from another person.

10 (b) The record of a transaction must include

11 (1) the date, time, location, and value of the scrap metal purchased;

12 (2) the name of the dealer's employee or agent handling the
13 transaction;

14 (3) the name, address, and telephone number of the person from whom

1 the dealer purchased the scrap metal;

2 (4) a description, including the license plate information, of a motor
3 vehicle used to deliver the scrap metal to the dealer;

4 (5) if the person who sells scrap metal to the dealer is an individual,
5 the number of the individual's driver's license, the number of the individual's
6 government-issued identification document that contains a picture, or a copy of the
7 individual's government-issued identification document that contains a picture;

8 (6) if the person who sells scrap metal to the dealer is an organization,
9 the number of the person's state business license issued under AS 43.70.020;

10 (7) a description, including weight and quantity, of the scrap metal
11 purchased by the dealer; the scrap metal dealer shall determine the weight by using a
12 scale that complies with the state standards of weight and measure established under
13 AS 45.75; and

14 (8) the signed statement required by AS 08.60.210.

15 **Sec. 08.60.210. Signed statement.** A scrap metal dealer shall require a person
16 from whom the dealer is purchasing scrap metal for \$100 or more to sign a written or
17 electronic statement that the scrap metal is not stolen property. The person shall date
18 the statement, and the scrap metal dealer, or the dealer's employee or agent, shall
19 witness the person signing.

20 **Sec. 08.60.220. Inspection availability.** A dealer shall make the records
21 required by AS 08.60.200 and 08.60.210 available for inspection by a law
22 enforcement officer during the dealer's regular hours of business or at reasonable times
23 if the dealer does not keep regular hours of business.

24 **Sec. 08.60.230. Retention of records.** A dealer shall maintain the records of a
25 transaction required by AS 08.60.200 and 08.60.210 for five years after the date of the
26 transaction.

27 **Sec. 08.60.240. Exemptions.** The requirements of AS 08.60.200 and
28 08.60.210 do not apply to a person's transactions with a dealer if the person maintains
29 on file with the dealer the name, address, and telephone number of the person, and a
30 taxpayer identification number issued by the federal Internal Revenue Service or a
31 valid government-issued photo identification card.

1 **Sec. 08.60.250. Criminal penalties.** A dealer who knowingly fails to comply
 2 with AS 08.60.200 or 08.60.210 or a person who knowingly makes a false entry for a
 3 record required under AS 08.60.200 or 08.60.210 is guilty of a class A misdemeanor.
 4 In this section, "knowingly" has the meaning given in AS 11.81.900.

5 **Sec. 08.60.290. Definitions.** In AS 08.60.200 - 08.60.290, unless the context
 6 requires otherwise,

7 (1) "dealer" means a scrap metal dealer;

8 (2) "record" means a record required by AS 08.60.200 or 08.60.210;

9 (3) "scrap metal" means used, discarded, or previously owned brass,
 10 copper, bronze, aluminum, lead, stainless steel, catalytic converter material, or other
 11 metal; in this paragraph, "metal" does not include ferrous metal, beverage containers,
 12 gold, silver, or platinum;

13 (4) "scrap metal dealer" means a person who purchases scrap metal for
 14 the purpose of resale or processing;

15 (5) "transaction" means the purchase of scrap metal by a scrap metal
 16 dealer from another person.

17 * **Sec. 2.** AS 11.46.482(a) is amended to read:

18 (a) A person commits the crime of criminal mischief in the third degree if,
 19 having no right to do so or any reasonable ground to believe the person has such a
 20 right,

21 (1) with intent to damage property of another, the person damages
 22 property of another in an amount of \$500 or more;

23 (2) the person recklessly creates a risk of damage in an amount
 24 exceeding \$100,000 to property of another by the use of widely dangerous means;

25 [OR]

26 (3) the person knowingly

27 (A) defaces, damages, or desecrates a cemetery or the contents
 28 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
 29 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
 30 memorial appears to be abandoned, lost, or neglected;

31 (B) removes human remains or associated burial artifacts from

1 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
2 tomb, grave, or memorial appears to be abandoned, lost, or neglected; or

3 **(4) with the intent to deprive another of the metal or to**
4 **appropriate the metal of another to oneself or a third person, the person removes**
5 **from the property of another metal that is physically attached to the property,**
6 **and the removal damages the property in an amount of \$500 or more.**

7 * **Sec. 3.** AS 08.60.010 is repealed.

8 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 APPLICABILITY. AS 11.46.482(a)(4), added by sec. 2 of this Act, applies to crimes
11 occurring on or after the effective date of sec. 2 of this Act.

12 * **Sec. 5.** This Act takes effect January 1, 2015.