


<div>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</div> <div></div>	<div>INFORMATION BULLETIN</div>
<div>Subject:  State Statutes Applicable to Copper Wire Theft</div>	
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**TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES**

There has been a surge in copper wire thefts throughout the state. The thefts and related activities have left neighborhoods in the dark, resulted in telecommunication and utility outages, impacted business and agricultural operations, and threatened public safety. Because thieves damage the equipment housing copper wire in the course of stealing the wire, the cost to replace the copper wire can far exceed the value of the stolen wire. A recycler may pay only several dollars per pound of copper wire, but the economic impact can be orders of magnitude more on municipalities, utilities, and businesses to repair and replace the same wire.

This bulletin summarizes the California statutes related to copper wire theft and laws governing junk dealer or recyclers' obligations to collect and report information regarding the receipt, purchase and sale of copper wire.

**CRIMINAL STATUTES APPLICABLE TO THEFT OF COPPER WIRE**

**Penal Code section 487 (Grand Theft)**: Every person who feloniously steals, takes, or carries away the personal property of another, or who knowingly and designedly, by any false or fraudulent representation or pretense, defrauds another person of personal property, is guilty of theft. (Pen. Code, § 484, subd. (a).)

If the value of the property taken is less than \$950, the offense is petty theft, which is a misdemeanor punishable by imprisonment in the county jail for up to six months. (Pen. Code, §§ 486, 488, 490.) With the passage of Proposition 36 in November 2024, prosecutors may charge repeat theft offenders with a felony instead of a misdemeanor. (Pen. Code, § 666.1.) See Information Bulletin 2024-DLE-19 for additional details.

Grand theft is committed where the value of the property taken exceeds \$950. (Pen. Code, § 487, subd. (a).) If the value of the property taken exceeds \$950 over the course of multiple acts of theft, the value may be aggregated to charge a single count of grand theft. (Pen. Code, § 490.3.) Grand theft is a "wobbler" offense, meaning it can be punished as either a felony or a misdemeanor. (Pen. Code, §§ 487, 489.)

**Penal Code section 487j (Grand Theft of Copper Materials Exceeding \$950)**: Every person who steals, takes, or carries away copper materials of another exceeding \$950 is guilty of grand theft. Copper materials include, but are not limited to, copper wire, copper cable, copper tubing, and copper piping. This is a wobbler offense. A person prosecuted for misdemeanor grand theft of copper wire under section 487j is subject to a greater fine (\$2,500) than if they were charged with misdemeanor grand theft under section 487 (\$1,000).

**Penal Code section 591 (*Cutting or Disconnecting a Utility Line*)**: A person who unlawfully and maliciously takes down, removes, disconnects, cuts, or obstructs a telegraph, telephone, cable television, or electrical line is guilty of damaging a phone or electrical line. This is a wobbler offense.

**Penal Code section 594 (*Vandalism*)**: Every person who maliciously damages or destroys the real or personal property of another is guilty of vandalism. If the amount damaged is less than \$400, it is a misdemeanor. If the amount damaged is over \$400, it is a wobbler offense. A person who steals copper wire and damages public utility infrastructure, real property, or personal property in the process may be charged with vandalism. Note, the value threshold for felony vandalism is lower than the value threshold for grand theft. A person who steals less than \$950 worth of copper wire but causes over \$400 in damage in the process may be charged with felony vandalism.

### **CRIMINAL STATUTES APPLICABLE TO RECEIPT/PURCHASE/SALE OF STOLEN COPPER WIRE**

**Penal Code section 496 (*Receiving Stolen Property*)**: Every person who buys, receives, conceals, sells, or withholds stolen property, or aids in concealing, selling, or withholding stolen property, knowing that the property was stolen is guilty of receiving stolen property. This is a wobbler offense.

**Penal Code section 496a (*Junk and Secondhand Dealers Receiving Metals Used in Transportation or Public Utility Services*)**: Every junk, metals, or secondhand dealer or representative who buys or receives any wire, cable, copper, lead, solder, mercury, or brass that the dealer knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation company or a public utility company, without using due diligence to ascertain that the person selling or delivering it has a legal right to do so is guilty of criminally receiving that property. This is a wobbler offense.

### **STATUTES RELATED TO JUNK DEALERS AND RECYCLERS' OBLIGATIONS**

#### **Penal Code Requirements:**

The Penal Code requires junk dealers who buy or receive copper wire to obtain certain information from the seller and maintain those records for at least two years.

**Penal Code section 496a**: Every person who is a dealer in or collector of junk, metals, or secondhand materials, or the agent, employee, or representative of such dealer or collector, who buys or receives junk, metals, or secondhand materials such as wire, cable, or copper, shall obtain evidence of the seller's identity, including the person's full name, signature, address, driver's license number, vehicle license number, and license number of the vehicle delivering the material. (Pen. Code, § 496a, subd. (b).) The record of the transaction must include an appropriate description of the material purchased, and the record must be maintained for at least two years after making the final entry of any purchase or sale of junk or scrap metals and alloys. (Pen. Code, § 496a, subd. (c); Bus. & Prof. Code, § 21607.) The failure to make and keep proper written records of these transactions is a misdemeanor. (Bus. & Prof. Code, § 21608.)

#### **Business and Professions Code Requirements:**

Business and Professions Code section 21600 *et seq.* sets forth special requirements for "recyclers" and "junk dealers" that are applicable to purchases and sales of copper wire.

The Business and Professionals Code defines a “junk dealer” to include “any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.” (Bus. & Prof. Code, § 21601.) A “recycler” means any processor, recycling center, or noncertified recycler who buys or sells scrap metal that constitutes junk. (Bus. & Prof. Code, § 21605, subd. (b).) “Junk” means “any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys.” (Bus. & Prof. Code, § 21600.) “Scrap metals and alloys” includes “materials and equipment commonly used in construction, agricultural operations and electrical power generation, railroad equipment, oil well rigs, nonferrous materials, stainless steel, and nickel which are offered for sale to any junk dealer or recycler, but does not include scrap iron, household generated waste, or aluminum beverage containers.” (Bus. & Prof. Code, § 21600.) Accordingly, section 21600 *et seq.* applies to copper wire.

➤ **Written Records of Sales:**

Every junk dealer and recycler must keep a written record of all sales and purchases made in the course of their business. (Bus. & Prof. Code, § 21605, subd. (a).) The written records must include:

(1) The place and date of each sale or purchase of junk made in the course of their business as a junk dealer or recycler.

(2) The name and a method of identification, such as a valid driver’s license or state-issued identification card. If the method of identification is a passport or Matricular Consular, there must also be an address from an additional item of identification that bears the seller’s name.

(3) The vehicle license number and state of issue of any motor vehicle transporting the junk to the junk dealer or recycler’s place of business.

(4) The name and address of each person to whom junk is sold and disposed of, and the license number of any motor vehicle transporting the junk from the junk dealer or recycler’s place of business.

(5) A description of the item or items of junk purchased or sold, including the item type, quantity, and any visible identification numbers.

(6) A statement that the seller is the owner of the junk, or the name of the person they obtained the junk from, as shown on a signed transfer document.

(Bus. & Prof. Code, § 21606, subd. (a).) “Any person who makes, or causes to be made, any false or fictitious statement regarding any information required by this section, is guilty of a misdemeanor.” (Bus. & Prof. Code, § 21606, subd. (b).)

➤ **Daily Reporting to Law Enforcement**

Every junk dealer and recycler shall report the information in these written records to the chief of police or to the sheriff daily or no later than the next business day, excluding weekends and holidays. (Bus. & Prof. Code, §§ 21606, subd. (c), 21628, subd. (a).) Because junk dealers and recyclers are

required to report this information to the chief of police or sheriff, they are not required to report it to the California Pawn and Secondhand Dealer System (CAPSS), which is the statewide, uniform electronic reporting system operated by the Department of Justice for secondhand dealers and coin dealers. (Bus. & Prof. Code, § 21627.5; see Sen. Com. on Public Safety, Analysis of Sen. Bill 447 (2007-2008 Reg. Sess.), as amended Mar. 26, 2007, pp. 4-5.)

➤ **Inspections of Premises**

Every junk dealer or recycler shall allow periodic inspection, during normal business hours, of any premises maintained and any junk thereon by a person appointed by the local sheriff or head of the police department to ensure compliance with the recordkeeping requirements. (Bus. & Prof. Code, § 21606.5.) They must also produce for inspection their records of sales and purchases, and all property purchased in those transactions that are in their possession.

➤ **Criminal Enforcement and Penalties**

A junk dealer or recycler who knowingly and willfully fails to keep written records or to include specified information in such records, or who refuses to provide those written records with law enforcement, or who destroys those records within two years may be charged with a misdemeanor. (Bus. & Prof. Code, § 21608.)

Whenever a peace officer has probable cause to believe that property in the possession of a junk dealer or recycler is stolen, the peace officer may place a hold on the property for 90 days by giving the junk dealer or recycler a written notice describing the item(s) to be held and the case number. (Bus. & Prof. Code, § 21609, subd. (a).) During that 90-day period, the junk dealer or recycler shall not release or dispose of the property, except pursuant to a court order or upon receipt of a written authorization signed by a peace officer with the same law enforcement agency as the officer who placed the hold on the property. (Bus. & Prof. Code, § 21609, subd. (a).) When property subject to a hold is required by a peace officer in a criminal investigation, the junk dealer or recycler, upon reasonable notice, shall produce the property at reasonable times and places or may deliver the property to any peace officer upon the request of any peace officer with the same law enforcement agency as the officer who placed the hold on the property. (Bus. & Prof. Code, § 21609, subd. (b).)