

HB 4140 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/23, 2/25

WHAT THE MEASURE DOES:

The measure expands the types of telecommunications entities whose property is subject to scrap metal laws and the crime of criminal mischief in the first degree. It also requires scrap metal sellers to subscribe to and use a free scrap metal theft alert system.

Detailed Summary

- Gives the Oregon Department of Justice authority to adopt rules for the scrap metal alert system, including identifying the system that scrap metal businesses must use
- Prohibits a scrap metal business from conducting transactions with individuals while out of compliance with alert system requirements
- Adds telecommunications providers' copper and copper alloy wires and stripped metallic wires to the materials deemed "commercial metal property," which only a commercial seller or its agent may sell to a scrap metal business
- Adds documentation of ownership to certain metal property record requirements.

FISCAL: Has minimal fiscal impact

REVENUE: Has minimal revenue impact

HOUSE VOTE: Ayes, 40; Nays, 0

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Some specifications of the crime of criminal mischief in the first degree involve damage to, or interference with, telecommunication provider equipment or services. These include: (a) damaging or destroying telecommunication provider property used in service of the public, with the intent to damage property and without reasonable belief that the individual has the right to do so, (b) intentionally interfering with a telecommunications carrier's service, or (c) intentionally using or manipulating the telecommunications carrier's property so as to interfere with its efficiency. ORS 164.265 (1)(a)(E), (F); ORS 164.365 (1)(b).

Oregon Revised Statutes (ORS) 165.116 to ORS 165.127 regulate scrap metal businesses and the sale and theft of metal property. Metal property includes nonferrous metals, commercial metal property, and private metal property. "Nonferrous metals" include valuable metals such as copper, aluminum, brass, lead, zinc, and nickel, but exclude most jewelry. "Commercial metal property" includes fabricated items of parts made of metal alloys used in specified ways, such as utility meters, streetlights, guardrails, and agricultural, forestry, or logging equipment. In 2021, Senate Bill 803 created specific restrictions on the purchase of catalytic converters and termed them "private metal property." Felons convicted of certain property crimes within the past five years may not sell nonferrous metal to scrap dealers, and payment for nonferrous metal purchases must be delayed by three business days to give theft victims and law enforcement time to notify the scrap community about stolen

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material. Scrap metal dealers must create and maintain metal property records on customers and transactions. It is a Class A misdemeanor to commit the offense of unlawfully altering metal property, to make a false statement on a metal property record, or to unlawfully purchase or receive metal property. ORS 165.118.

PRELIMINARY