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AB-1218 Copper theft. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1218

Introduced by Assembly Member Soria

February 21, 2025

An act to amend ~~Section 487j~~ Sections 487j, 496a, and 496e of the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1218, as amended, Soria. Copper theft.

Under existing law it is grand theft to ~~steal, take, or carry away~~ steal copper materials ~~of another~~ valued at more than \$950. A violation of this provision is punishable either as a misdemeanor or a felony *by imprisonment* in county jail ~~with fines as specified, and specified fines.~~

This bill would make it a crime to unlawfully possess copper materials, as specified. The bill would define what it means to "unlawfully possess" copper materials to include possessing without documentation proving lawful possession. The bill would prescribe the information that constitutes proof of lawful possession, as specified, including the identity of the seller and the date of the transaction. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The bill would also prohibit a person from falsifying any record intending to show proof of lawful possession. By creating a new crime, this bill would impose a state-mandated local program.

Existing law prohibits any collector or dealer of metals to purchase certain junk metals, as specified, without first ascertaining that the seller legally possesses the materials. Existing law also requires the dealer to obtain evidence of the identity of the seller, including, but not limited to, the seller's name and address.

This bill would require any collector or dealer of metals to ascertain the location from which the purchased material was obtained.

Existing law makes it a crime for a person who is engaged in the salvage, recycling, purchase, or sale of scrap metal to possess certain items that have been stolen or obtained by theft or extortion, as specified, and requires that the person knew or reasonably should have known that the property was stolen or failed to report possession of the items, as specified.

This bill would additionally prohibit a person who is engaged in the salvage, recycling, purchase, or sale of scrap metal, as specified, from possessing certain items knowing that those items were possessed without proof of lawful possession.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 487j of the Penal Code is amended to read:

487j. (a) A person who steals, takes, ~~or carries away~~ away, *or unlawfully possesses* copper materials of another, including, but not limited to, copper wire, copper cable, copper tubing, and copper piping, which are of a value exceeding nine hundred fifty dollars (\$950) is guilty of grand theft. Grand theft of copper shall be punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 and a fine not exceeding ten thousand dollars (\$10,000).

(b) *"Unlawfully possesses" means either of the following:*

(1) A person possesses copper materials, including, but not limited to, copper wire, copper cable, copper tubing, and copper piping, which are of a value exceeding nine hundred fifty dollars (\$950) without proof of lawful possession.

(2) A person possesses copper materials, including, but not limited to, copper wire, copper cable, copper tubing, and copper piping which they know or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, internet, gas, water, or electric light company, or a city, county, city and county, or other political subdivision of this state engaged in furnishing public utility service without proof of lawful possession.

(c) *Lawful possession may be proven by a record that contains all of the following:*

(1) The name, address, and telephone number of the seller or the seller's authorized representative.

(2) The name, address, and telephone number of the buyer or consignee if not sold.

(3) The common or generic name and quantity of the material involved.

(4) The date of the transaction.

(5) The location from which the material was obtained.

(d) A person who knowingly falsifies or causes to be falsified any information in a record intended to show proof of lawful possession pursuant to this section shall be punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 and a fine not exceeding ten thousand dollars (\$10,000).

SEC. 2. Section 496a of the Penal Code is amended to read:

496a. (a) ~~Every~~-A 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, and who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass which ~~he or she knows~~ *they know* or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water, or electric light company, or a county, city, city and county, or other political subdivision of this state engaged in furnishing public utility service, without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) ~~Any~~-A person who buys or receives material pursuant to subdivision (a) shall obtain evidence of ~~his or her~~ *their* identity from the seller, including, but not limited to, that person's full name, signature, address, driver's license number, ~~and~~ vehicle license number, ~~and~~ the license number of the vehicle delivering the ~~material~~. *material, and the location from which the material was obtained.*

(c) The record of the transaction shall include an appropriate description of the material purchased and the record shall be maintained pursuant to Section 21607 of the Business and Professions Code.

SEC. 3. *Section 496e of the Penal Code is amended to read:*

496e. (a) ~~Any~~^A person who is engaged in the salvage, recycling, purchase, or sale of scrap metal and who possesses any of the following items that were owned or previously owned by any public agency, city, county, city and county, special district, or private utility that have been stolen or obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, *or having been possessed without proof of lawful possession as defined in Section 487j, knowing the property to have been possessed without proof of lawful possession*, or fails to report possession of the items pursuant to Section 21609.1 of the Business and Professions Code, is guilty of a crime:

(1) A fire hydrant or any reasonably recognizable part of that hydrant.

(2) ~~Any~~^A fire department connection, including, but not limited to, reasonably recognizable bronze or brass fittings and parts.

(3) Manhole covers or lids, or any reasonably recognizable part of those manhole covers and lids.

(4) Backflow devices and connections to that device, or any part of that device.

(b) A person who violates subdivision (a) shall, in addition to any other penalty provided by law, be subject to a criminal fine of not more than three thousand dollars (\$3,000).

SEC. 4. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*