

Act Number: 09-243

Bill Number: 1128

Senate Pages: 4255-4258, 4266-4268, 6096,
6100-6102

11

House Pages: 10089-10116

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Committee: Judiciary: 4470-4472, 4527-
4530, 4600-4602, 4819-4868

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to confirm. Thank you.

THE CHAIR:

Thank you, sir. Remark further on the bill as amended by Senate A? Senator Meyer?

SENATOR MEYER:

If there is no objection, I respectfully ask that it go on the consent calendar.

THE CHAIR:

Senator Meyer has a motion on the floor to place this item on the consent. Without objection, so ordered. Mr. Clerk?

THE CLERK:

Calendar page 33, Calendar Numbers 471 and 685, Senate Bill 1128, AN ACT CONCERNING INTERRUPTION OF TELECOMMUNICATIONS SERVICE, SCRAP METAL PROCESSORS AND MOTOR VEHICLE RECYCLISTS, favorable report of Committee on Judiciary, Energy and Technologies, and Public Safety.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

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THE CHAIR:

Acting on acceptance and approval of the bill, sir, will you remark further?

SENATOR McDONALD:

Yes, Mr. President. Mr. President, this bill makes the taking of wire or cable or other telecommunications service equipment a second degree larceny offense regardless of the value of the property, and also it would extend the requirements on scrap metal processors who receive wire that could be used in transmitting telecommunications data to scrap equipment or cable that could be used in transmitting telecommunications or data.

THE CHAIR:

Thank you, sir. Will you remark further on Senate Bill 1128? Senator Kissel?

SENATOR KISSEL:

Thank you very much, Mr. President. A quick question through you to the proponent.

THE CHAIR:

Senator McDonald?

SENATOR KISSEL:

I notice, Senator McDonald, that it also has -- this bill also has to do with motor vehicles, scrap

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motor vehicles. I'm just wondering exactly what that portion of the bill does. Through you, Mr. President.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. Mr. President, this bill allows DMV to impose civil penalties on unlicensed persons or corporations who use the title Motor Vehicle Recycler or advertise themselves as motor vehicle recyclers if the circumstances warrant.

THE CHAIR:

Thank you, sir. Will you remark further?

Senator Kissel?

SENATOR KISSEL:

Thank you very much, Mr. President, and I'd like to thank Senator McDonald very much for moving forward this particular piece of legislation. That last portion that I had asked questions about is of particular interest to several individuals and law-abiding businesses in north central Connecticut. What we have found over the last several years -- and it has escalated -- is that individuals purporting to be motor vehicle scrap haulers aren't, they're not licensed in Connecticut. Quite often this ultimately

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leads to derelict vehicles being left beside roadways in wooded areas in north central Connecticut, and it's a real blight on the environment, and it's a real blemish on the reputations of the law-abiding folks out there that do the job right, pay taxes to the state of Connecticut, and do all their proper registration, so I strongly support the bill. A lot of folks worked very hard to make this bill a reality, and I want to thank Senator McDonald for moving forward with this particular piece of legislation.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Will you remark further on the bill? Senator McDonald?

SENATOR McDONALD:

Mr. President, if there's no objection, might this item be placed on the consent calendar?

THE CHAIR:

There's a motion on the floor to place this item on the consent. Without objection, so ordered. Mr. Clerk?

THE CLERK:

Calendar Number 481, File Number 702, substitute for Senate Bill 533, AN ACT CONCERNING NOTIFICATION OF

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THE CHAIR:

Senator Meyer requests that this item be put on consent. Seeing no objection, so ordered. Mr. Clerk?

THE CLERK:

Mr. President, that completes those items previously marked go.

THE CHAIR:

Senator Looney?

SENATOR LOONEY:

Thank you, Mr. President. If the Clerk might now call the first consent calendar?

THE CHAIR:

Mr. Clerk, please call the first consent calendar, and the machine will be open. Excuse me. Please call the consent calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber? Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber?

Mr. President, those items placed on the first consent calendar begin on calendar page 6, Calendar 486, substitute for Senate Bill 650. Calendar page

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17, Calendar Number 660, substitute for House Bill 5262.

Calendar 664, House Bill 5894, calendar page 23.
Calendar Number 202, Senate Bill 74. Calendar page
24, Calendar 220, substitute for Senate Bill 866.

Calendar 227, substitute for Senate Bill 920.
Calendar 238, House Bill 5222. Calendar 243, House
Bill 6501. Calendar page 29, Calendar Number 357,
substitute for Senate Bill 995.

Calendar page 33, Calendar 471, Senate Bill 1128.
Calendar 481, substitute for Senate Bill 533.
Calendar 499, Senate Bill 1099, and calendar page 37,
Calendar 321, Senate Bill 271.

Mr. President, that completes those items placed
on the first consent calendar.

THE CHAIR:

Please call the consent calendar. The machine
will be open.

THE CLERK:

The Senate is now voting by roll call on the
consent calendar. Will all Senators please return to
the chamber? The Senate is now voting by roll call on
the consent calendar. Will all Senators please return
to the chamber?

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THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is adoption of Consent Calendar Number 1.

Total number voting 35

Those voting yea 35

Those voting nay 0

Those absent and not voting 1

THE CHAIR:

Consent Calendar Number 1 passes. Senator
Looney?

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move for suspension for immediate transmittal to the House of Representatives of all items acted upon today requiring action in that chamber.

THE CHAIR:

There's a motion on the floor for suspension of the rules for immediate transmittal. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would

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There's a motion on the floor to take up Senate Bill 880, to move it to the Consent Calendar. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, on Senate Agenda number 2, previously adopted, move to take up House bill 6481, for purposes of placing it on the Consent Calendar.

THE CHAIR:

There's a motion to move House Bill 6481 off of Senate Agenda number two to the Consent Calendar. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. And also, Mr. President, on Senate Agenda number two, would move to take up Senate bill 1128 and to place the item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to item Senate Bill 1128 off of Senate Agenda number two onto the Consent Calendar. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes, Mr. President. Mr. President, thank you. We

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Back on Calendar page 18, Calendar 719, House Bill 6676 is marked go and Calendar page 33, Calendar 354, Senate bill 499 is marked go.

Yes, Mr. President, thank you. At this point if the Clerk might call the items on the Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the Consent Calendar.

THE CLERK:

Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Mr. President, the items placed on the first Consent Calendar begin on Senate Agenda number one, Substitute for House bill 5211, Substitute for House bill 6672 and Senate bill 880.

From Senate Agenda number two, Substitute for House bill 6481 and Senate bill 1128.

Going to Senate Calendar, calendar page 229, Substitute for Senate bill 549. Calendar 229, substitute for Senate bill 547. Calendar page 7,

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Calendar 602, substitute for House bill 6584.

Calendar page 10, Calendar 639, House bill 6684.

Calendar page 12, Calendar 667, substitute for House

bill 6539. Calendar page 13, Calendar 678, substitute

for House bill 6306. Calendar 679, substitute for

House bill 6279 and Calendar 682, substitute for House

bill 6041. Calendar page 14, Calendar 692, House bill

6248. Calendar page 15, Calendar 700, substitute for

House bill 6693. Calendar 701, substitute for House

bill 6642. Calendar page 17, Calendar 714, substitute

for House bill 6280. Calendar page 21, Calendar 735,

House bill 6523. Calendar page 26, Calendar 337,

Senate bill 1047.

THE CHAIR:

Sir, I believe that was 377.

THE CLERK:

Yes, Mr. President, Calendar 377, Senate bill 1047. And Calendar page 33, Calendar 378, substitute for Senate bill 1048. Mr. President, that completes the items placed on the first Consent Calendar.

THE CHAIR:

Please call for Roll Call vote.

Please call for a Roll Call vote on Consent number

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one, the machine will be open.

THE CLERK:

The Senate is now voting by Roll Call on the Consent Calendar. Will all Senators please return to the Chamber? The Senate is now voting by Roll Call. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote, the machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number One.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number One passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President, would move for immediate transmittal to the House of Representatives

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Will the Clerk please call Calendar Number 699.

THE CLERK:

On Page 24, Calendar Number 699, Senate Bill
Number 1128 AN ACT CONCERNING INTERRUPTION OF
TELECOMMUNICATION SERVICE, SCRAP METAL PROCESSORS AND
MOTOR VEHICLE RECYCLERS. Favorable Report of the
Committee on Public Safety and Security.

DEPUTY SPEAKER McCLUSKEY:

The honorable Chair of the Judiciary Committee,
Representative Lawlor, you have the floor, sir.

REP. LAWLOR (99th):

Thank you, Mr. Speaker, good afternoon. Mr.
Speaker, I move acceptance of the Joint Committee's
Favorable Report and passage of the Bill in
concurrence with the Senate.

DEPUTY SPEAKER McCLUSKEY:

The question before the Chamber is acceptance of
the Joint Committee's Favorable Report and passage of
the Bill in concurrence with the Senate. Will you
remark?

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This Bill makes several
changes in the existing laws that deal with a problem
that is a relatively recent problem.

I think, as many Members of the Chamber are aware, whether it's occupied buildings or buildings that are being foreclosed upon, or maybe vacant for a period of time, there's an increasing trend for people to break into these buildings and steal wiring, cable, copper tubing and that type of thing.

Over the past few years we've rewritten some of the criminal statutes to specifically focus on that, and this Bill deals with a specific aspect of that particular problem, and that would be people who are stealing communication wires, scrap metal, that type of thing, which has the effect of interrupting services to consumers.

So for example, if you were stealing a telephone wire in an abandoned building, that's one thing. But if you're stealing telephone wire in an occupied building, you're interrupting the phone service and potentially interrupting emergency phone calls, that type of thing.

So if, what the Bill basically provides is that if you steal this type of equipment or material, and in so doing interrupt services, that would be subject to the higher penalty.

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Under the current law, larceny second degree contains several types of larceny, which regardless of the value of the item being stolen, it's in this enhanced version of larceny. Larceny in the second degree is a Class C felony.

And so, under the Bill, if the property consists of cable or other equipment used for the provision of telecommunication system, and that's what being stolen, it has the enhanced penalty.

Mr. Speaker, there was an Amendment, which has been filed in the Senate but not actually called. I believe this was an oversight. It rewrites Section 2, so to expedite matters, if the Clerk could call LCO Number 9260 and could I be allowed to summarize.

DEPUTY SPEAKER McCLUSKEY:

Would the Clerk please call LCO Number 9260 to be designated House Amendment Schedule "A".

THE CLERK:

LCO Number 9260, House "A", offered by Representative Lawlor.

DEPUTY SPEAKER McCLUSKEY:

The gentleman has asked leave of the Chamber to summarize his Amendment. Is there any objection? Is

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there any objection? If not, sir, please summarize your Amendment.

REP. LAWLOR (99th):-

Thank you, Mr. Speaker. This adds some additional language to the existing definition of a scrap metal processor. These are the people who presume they are the persons to whom this material would be sold after it is stolen.

There's, in the current law there's a variety of requirements for those individuals to report where they're buying the scrap equipment from, and the identification of the people that are selling it to them.

This now adds some more specific requirements to treat scrap equipment wire cable that could be used in the transmission or distribution of electricity to that list.

I urge adoption, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

The question before the Chamber is adoption of House Amendment Schedule "A". Will you remark? The honorable gentle lady from Bolton, Representative Sawyer, you have the floor, sir, madam.

REP. SAWYER (55th):

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Thank you, Mr. Speaker. I have one quick
question, through you to the Chairman.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, madam.

REP. SAWYER (55th):

For legislative intent in the definition of
cable, cable could be defined in a number of ways.
Mr. Chairman, would you consider it to be two types of
cable, whether it's a bundle of wires or whether it is
woven?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Yes.

DEPUTY SPEAKER McCLUSKEY:

Representative Sawyer.

REP. SAWYER (55th):

I thank the gentleman for his answer.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks. Will you
remark further? The honorable Ranking Member of the
Judiciary Committee, Representative O'Neill, you have
the floor, sir.

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REP. O'NEILL (69th):

Thank you, Mr. Speaker. Earlier the Chair of the Judiciary Committee had indicated that the purpose of this Amendment was to accomplish the same goals of the Amendment that was not called up in the Senate, and I just had a very brief question.

The Senate Amendment seems to be slightly differently drafted. It starts off in Line, if I'm correct, it is 5726, LCO 5726. That Amendment started off in, their first line of that Amendment talked about in Line 14 of the underlying Bill, after the word other, insert scrap utility.

That does not appear to be in this Amendment. Has it been decided that that language was just not necessary?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

Excuse me, Mr. Speaker, I didn't get the line number.

DEPUTY SPEAKER McCLUSKEY:

Representative O'Neill, would you please rephrase, repeat your question, sir.

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REP. O'NEILL (69th):

Happily. In LCO Number 5726, which I believe is the uncalled Senate Amendment, the opening line of that Amendment had an insertion before the strike of Section 2, and that insertion was to insert the words in Line 14 of the underlying Bill, to insert the words scrap utility after the word other.

And I do not see that language in the Amendment that is before us. I just wanted to be sure that that language was not deemed, the missing language was determined not to be necessary. Through you, Mr. Speaker.

DÉPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I understand the problem now. The Amendment that, I think as Members of the Chamber are aware, sometimes there are different versions of amendments, which are filed subsequent as people refine the intent.

The Amendment I was referring to that was not offered in the Senate is LCO Number 7594, which was subsequent to this earlier LCO Number, which is 5726.

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The Amendment I have offered is, in fact, identical to the most recent iteration of what was intended to have been offered in the Senate, so LCO Number 9260 is identical to LCO Number 7594, which was the Senate Amendment offered by Senator Kissel, which was to have been offered.

So I think the Representative is looking at an earlier version of that same Amendment. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative O'Neill.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker, and I'm glad the Chair brought my attention to the correct LCO number, and thank you very much.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks. Will you remark further on House "A"? The distinguished gentleman from Shelton, Representative Perillo, you have the floor, sir.

REP. PERILLO (113th):

Mr. Speaker, good afternoon. If I may, just a very brief question for the Chairman of the Judiciary Committee, through you.

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DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. PERILLO (113th):

Mr. Speaker, the Amendment as worded, refers to scrap equipment wire cable that could be used in the transmission or distribution of electricity by an electric distribution company, and that that would trigger action by a scrap metal dealer.

Not being familiar with the issue, my question is very simply, are scrap metal dealers in general, able to distinguish between one type of wire and cable versus another type of wire and cable, or is the net effect of this that anybody who delivers any sort of wire or cable to a scrap metal dealer is going to have to take a picture of the delivery vehicle? Through you, sir.

DEPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I think they are able to distinguish this item. I know this language was drafted with involving those very scrap metal dealers that we're referring to.

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I believe it's fair to represent that they feel comfortable with this language. We understand what their obligations would be, were this to become the law.

So I infer from that that they can make a, they know it when they see it, and they'll be reporting it appropriately. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you much, and I thank the gentleman for his answer.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks. Will you remark further on the Bill? The distinguished gentleman from Stratford, Representative Miller, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker. A question to the proponent.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. MILLER (122nd):

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In Line 5 of your Amendment, shall record, would a receipt suffice for a proper piece of paper for recording?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Well, first I point out. That's the current law that we're referring to now. We're only adding some additional language to the definition.

But the method for recording this information is already established under law, and I think it's more than just a simple receipt. There's a record keeping system.

It's similar to what pawn brokers are obligated to do under our current law. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Miller.

REP. MILLER (122nd):

Thank you. And I would assume that the scrap dealer would probably have a form that would meet the requirements of the Bill.

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Regarding the photograph, through you, Mr. Speaker, how long should the scrap dealer hold on to a photograph, or does he submit that to the police department?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Once again, we're referring to now the current law, which has been in practice for a number of years and apparently is working fine.

However, the obligation of the dealer is to make these records available to the police for inspection, which is similar to what pawn brokers are obligated to do, and I'm not exactly sure what their retention schedule is for these, but it's, you know, several years I think, but I'm not sure. But it's the existing system and nothing in the Amendment or the Bill changes that.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Miller.

REP. MILLER (122nd):

And through you, Mr. Speaker, if a scrap metal dealer purchases copper wire from another dealer, for instance he may have a machine that will slit the copper so that the insulation and the covering will come apart from the copper.

Is that material that he also should have to photograph and hold for five days before he touches it, or is that something he can automatically put through his machines and prepare it for shipment?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. If it fits the definition, he's obligated to photograph it and retain the information.

DEPUTY SPEAKER McCLUSKEY:

Representative Miller.

REP. MILLER (122nd):

And again, through you, Mr. Speaker, back to the copper wire. If he's buying it from another dealer and he's not sure where the dealer got it, how would he distinguish whether it's used in telecommunications or in some kind of an industrial process?

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Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I'd have to refer to the other sections of the statute. I would only point out that those sections are referred to in the Bill.

This is the current system. We're not changing that at all. We're just adding some additional language to the existing definition. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Miller.

REP. MILLER (122nd):

And thank you, and I assume that this will not present any kind of problem to the few scrap dealers we have left in the State of Connecticut.

I don't know if there was any public hearing held on this or whether any of them came to testify.

Through you, Mr. Speaker, was there a public hearing held on some of the information?

DEPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

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Thank you, Mr. Speaker. Yes there were. There was a public hearing, it was attended by dealers. They did express their point of view. They have been involved in the deliberations over this Bill in recent days.

In fact, the Amendment I'm offering is a result of the discussions directly with those dealers.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Miller.

REP. MILLER (122nd):

Thank you, Mr. Speaker, and thank you, Representative Lawlor.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks. Will you remark further on House Amendment Schedule "A"? Will you remark further on House "A"?

If not, I'll try your minds. All those in favor of House "A" please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER McCLUSKEY:

All those opposed, Nay. The Ayes have it. House "A" is adopted. Will you remark further on the Bill

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as amended? Will you remark further on the Bill as amended?

The distinguished gentleman from Hartford, Representative Green, you have the floor, sir.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, just some questions for clarification.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. GREEN (1st):

Thank you. Representative, the proponent of the Bill as amended talked about the value of the set of wire regardless of the value, those charges might be changed from a misdemeanor to a felony.

Could the proponent clarify to me for example, if someone were to steal wire at the value of \$499, which is currently might be a larceny, that is a misdemeanor and it goes to a felony, is that true? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Lawlor.

REP. LAWLOR (99th):

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Thank you, Mr. Speaker, I apologize for that. I misplaced the actual file copy of the Bill and I was just reviewing it on the computer.

In any event, Mr. Speaker, the normal penalties for theft of materials would continue to apply. In other words, it's based on the value of what's stolen.

However, the exception that's being created in this Bill is if the theft of the actual materials, for example, from an occupied building, which actually shuts down, if they pull out the phone wires so there's no more phone service operating in the building, and in the context of that results in an interruption of emergency telecommunications system like for example, the 911 system, only under that circumstance would that be larceny in the second degree. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, in response to that answer, my thought on that then is that, for example, if anyone was to rip out any wire of any telephone cable that would be a felony conviction, since I'm going to assume that all telephones have

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access to a 911 emergency service? Through you, Mr. Speaker, is that correct?

DEPUTY SPEAKER ALTOBELLO:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. If it's a larceny of the wire, in other words, someone's trying to steal the actual wire for the value of the wire, and if in so doing they cause an interruption in phone service, yes, that would be larceny in the second degree.

If it's simply just disconnecting the phone service, that has its own separate penalties in the crime, but if people are stealing, you know.

It's one thing to take something, and it's another thing to steal it. It's an important distinction under the criminal law and if your intent is to appropriate it to yourself and let's say sell it for its value, that's a form of larceny.

If it's just like breaking a wire, disconnecting it for whatever reason, just criminal mischief or something that wouldn't constitute larceny, and therefore would not fall under the coverage of this particular Bill.

Through you, Mr. Speaker.

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DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, could the proponent of the Bill as amended clarify to me who would determine whether or not the taking of the wire, the cutting of the wire, whatever is done to the wire, who makes the distinction as to when that is simply a criminal mischief and/or a theft.

What would be the distinguishing characteristics that would distinguish that? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Well, for something to be larceny you have to prove that there was an intent to appropriate it to yourself or to a third person to wrongfully take it.

In other words, you have to, I'm trying to think of what's the best example of it. If you're, like if someone stole my bicycle. If I left my bicycle on my front porch, which I did once, and I came outside a

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few minutes later and it was gone, and I never, to this day I've not seen it again, that was a larceny of my bicycle.

If instead someone took it out and drove it around for 10 minutes and brought it back, that's not a larceny because they didn't permanently deprive me of that.

If someone came and like broke it, that would not be a larceny, that would just be a criminal mischief.

So if you apply the same logic to wire or copper tubing, I think you can understand. That's the easiest way to explain the difference between larceny and criminal mischief and what they call trover, criminal trover, just like joy riding. You're using something for a while and bringing it back.

So those would be the distinctions, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you. Let's see if I can use that analogy on wire. If I were to cut someone's wire and leave the premises and someone stopped me and I said, I was just going to take it for a few minutes and return it, would the establishment of a theft have happened?

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Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lawlor.

REP. LAWLOR (99th):

Well, I guess it would depend on the circumstances. If you were walking out the door with an armful of copper wire, for example, that's pretty clearly a larceny.

If you have just gone into a building and ripped out all the wire and left it there and now you're leaving, that's not a larceny. It's just criminal mischief.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, if I were a police officer and I came upon the scene of this activity, whether it was cutting, taking, larceny or whatever, as a police officer, I might at some point decide that I want to charge the criminal mischief.

Could I, as a police officer charge a theft of the wire, and at least at that point, the person be

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charged with a theft of wire, versus being convicted of a theft of a wire? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Well, a police officer can, I mean, can illegally charge whatever he or she wants. Obviously, you know, it would be illegal, it would be a false arrest if you intentionally charge with something that there's no evidence to base it on.

So I guess technically, a police officer or you or I could do the same thing. But under the law, assuming one is following the law, it wouldn't be larceny. You need evidence in probable cause.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, there are a number of homes now and businesses that have cable wire. They use their phone and there's one cable wire that provides TV service, cable service and computer service, and I notice that a lot of those wires on the outside of buildings.

Let's say, for example, someone took a portion of that wire at a value of \$20, and that portion of that wire interrupted that ability to now use that phone because they use their cable system for their phone, and a portion of that wire, would that be considered theft of a wire under larceny two with a felony conviction?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker, yes, assuming they interrupted the emergency phone system in that house, yes, that would certainly fall under this category. Probably some other crimes, too, but certainly this one.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you. Through you, Mr. Speaker, could the proponent of the Bill as amended tell me is there a difference between phone service and emergency phone service?

DEPUTY SPEAKER ALTOBELLO:

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Representative Lawlor.

REP. LAWLOR (99th):

Presumably, yes, but I think if you pulled out someone's phone wire and they're not, you disable someone's phone system, you are certainly disabling, in someone's home, you're certainly making it impossible for them to summon the police or call an ambulance, that type of thing.

So if you're doing that just to steal the value of the wire, it would fall under this.

If you're doing it because you're planning on breaking into the house and assaulting them, you just want to disconnect their phone service, that has its own separate current penalties that's already very seriously treated.

We passed a law on that a few years ago, as a matter of fact. So, we're assuming that people are just trying to steal the wire for the value of the wire in this particular thing. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, in the summary of the Bill it talks about someone taking wire cable or other telecommunication service equipment.

Could I consider a cell phone a telecommunication service equipment, through you, Mr. Speaker?

DEPUTY SPEAKER ALTOBELLO:

Representative Lawlor.

REP. LAWLOR (99th):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you. So another question. So if for example, I did not have a phone service in my home and I used my cell phone for my only phone, which means that if my emergency telecommunication service, if someone was to steal that, and in fact was arrested for theft of my telecommunications service that provides for emergency telecommunications, from the answer I heard, is it correct then, that if I use my cell phone, I don't have a home phone, for emergencies, which I can dial 911 and someone were to steal that, that would not apply in this Bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lawlor.

REP. LAWLOR (99th):

Through you, Mr. Speaker, yes, that's correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, no further questions. Just a comment, and it's been an absolutely long-standing comment for myself that here we are, once again, taking misdemeanor charges.

We have six larceny categories. We have those based on the value of the larceny, and there must have been a reason why we decided to do that.

In my opinion, if we were to believe that regardless of the value of the property, some charges that would be considered misdemeanors would now be felonies, and it goes from something under \$500 as could be a misdemeanor, something that's \$501 instead of being under the value of \$1,000 in a Class D felony, we move that up to a Class C felony.

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I think that it's very important that we again, be very careful when we continue to take misdemeanor charges and make them felony charges.

If the seriousness of the crime called for a larceny one, two, or three, you have an opportunity to be charged with a felony. It's based on value. For us to just carve out this one here, I'm not sure what the particular problem is in terms of what we're trying to fix.

I think the message here would be that again, larceny would not be accepted, but once again would take in something as was stated, a piece of wire that's worth \$20, someone could have a felony conviction.

This is, might be one of the unintended consequences of this legislation. I would urge rejection.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Green. Further on the Bill as amended? Further on the Bill as amended?

If not, staff and guests retire to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

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The House of Representatives is voting by Roll

Call. Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber.

DEPUTY SPEAKER ALTOBELLO:

All the Members have voted? All the Members have voted. Please check the board to make sure your vote is properly cast.

If all Members have voted properly, the machine will be locked. Will the Clerk please take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 1128 as amended by House "A".

Total Number Voting	151
Necessary for Passage	76
Those voting Yea	140
Those voting Nay	11
Those absent and not voting	0

DEPUTY SPEAKER ALTOBELLO:

The Bill as amended is passed.

Would the Clerk please call Calendar Number 643.

THE CLERK:

On Page 18, Calendar Number 643, Substitute for
Senate Bill Number 457 AN ACT CONCERNING MOTOR VEHICLE

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it will be Representative Hennessy. But first we're going to have John Emra.

JOHN EMRA: Good afternoon, Senator McDonald, Representative Fox and members of the Judiciary Committee. My name is John Emra with AT&T. I'm here to testify in support of Senate Bill Number 1128, specifically Section 1.

AT&T strongly supports this legislation. Section 1 would add to the list of offenses, which constitute larceny in the second degree to include when a person steals property used in the provision of telecommunication service and knocks a customer out of service so that they can't make an emergency telephone call.

Two years ago, this Committee and this General Assembly became one of the first states in the nation to address the issue of metal theft, and to require scrap metal processors to do a better job of keeping tabs on information on scrap metal that they receive from people who sell that material to them. The laws, in fact, became a model for other states across the country to use.

The law has been very successful. We're very thankful for the General Assembly for passing the law. We think it has helped to stem the losses somewhat, though metal theft continues to be a real concern and a real problem for AT&T, other companies and consumers.

The National Insurance Crime Bureau recently did a quick search of insurance claims involving metal theft, and found in less than a two-year period that there were more than 13,500 claims filed as a result of metal theft.

And while, certainly, the down economy has helped to suppress prices for some precious

metals like copper, for example, certainly we hope, I think as everyone does, that the economy will get better, and then as a result copper prices and other metal prices will increase and in fact, copper prices just this year are up around 20 percent just since January.

AT&T has taken a number of steps to reduce the opportunity for theft of its equipment. We do daily security patrols of all of our facilities. We're locking up any sort of copper, you know, sort of use the phrase, kind of eliminate the low-hanging fruit in terms of property that may have been stolen.

But the thieves continue to find new avenues to get to that copper, and the newest wave that we're seeing now are thieves actually going up on the poles and into conduits stripping live telecommunications plant right off of our facilities and taking it away and bringing it to a scrap metal yard and then selling it.

And as a result, not only is AT&T hurt by that, but certainly consumers are hurt who lose phone service, who lose access to 911 service.

We think the legislation before you provides the right sort of penalty for somebody who does that. There's certainly a crime that's involved in theft and that's an important thing, and there's laws that address that, but we also think when that theft impacts consumers and their ability to make an emergency telephone call that the law should also call for some sanctions for that sort of activity as well. Thank you.

SEN. MCDONALD: Well, thank you. Am I reading this, right, that would apply to basically any theft

of cable, because isn't it all used for emergency telecommunications service?

JOHN EMRA: That's right. That's right. As I read it, it would include, so long as the plant was actually in live use. We do have a plant that might not be being used at a given point in time in a conduit, for example. So you can steal different types of equipment. It's not all necessarily in use at a given point in time.

SEN. MCDONALD: Thanks very much. Are there any other questions? Thanks for your time.

JOHN EMRA: Thank you.

SEN. MCDONALD: Next is Jennifer Levi, followed by Charlie Ortiz.

JENNIFER LEVI: (Inaudible).

SEN. MCDONALD: Could you hit the microphone? The button. There you go.

JENNIFER LEVI: The microphone. Appreciate the opportunity today to testify in strong support of House Bill Number 6452 An Act Concerning Discrimination, which would add the phrase, gender identity and expression to all the provisions of Connecticut's nondiscrimination laws.

The Committee, this bill has been before this Committee before, and it is an exceedingly important bill to protect members of the Connecticut community who wish to work, but are oftentimes prevented from working, in particular, because of bias and prejudice.

We know that there are many transgender people who, when they notify their employers of their

REP. FOX: Thank you. Are there any other questions from members of the Committee? No. Thank you very much.

Next is Wendy Ardizzone, followed by Victoria Hively, and good afternoon.

WENDY ARDIZZONE: Good afternoon. Is the mike on? The first lesson learned. I put good morning on my testimony. I'll put good day from now on.

Members of the Committee, I'd like to thank you for this opportunity. My name is Wendy Ardizzone. I'm the Manager of Corporate Security for the United Illuminating Company. I'm here to comment on Raised Senate Bill Number 1128 An Act Concerning Interruption of Telecommunication Service, Scrap Metal Processors, and Motor Vehicle Recyclers.

The bill would extend to electric distribution companies current requirements that are in place for telecom industry for scrap metal processors to comply with state and local licensing and registration requirements.

It would allow local law enforcement to enforce the same penalties currently in place for telecommunications industry for this type of criminal activity when it comes to electric distribution companies.

UI supports this bill with the proposed modifications that extend the requirements currently in place on scrap metal processors to equipment wires and cables that could be used for the transmission and distribution of electricity. UI operates using copper as a critical part of our electric infrastructure.

Copper theft has increased to a level where the U.S. Congress is considering two pieces of legislation to address this issue on a national basis and I've included that in copies that you currently have.

Instances where copper has been removed from live services and individuals have been injured or even killed in this process, theft of copper places the thief in jeopardy of losing his or her life, compromises the integrity of the flow of electricity, places our employees at grave risk of electrocution when cable is compromised or stolen from an energized facility, not to mention the public safety issue.

A lot of our facilities are at ground level, and if they are compromised it poses a public safety issue.

We also have environmental concerns, where in the past we have had transformers that are broken into, and we have had oil spills from these transformers.

Two instances I'm going to cite are the theft of copper from cable at the Easter Seal Sponsored Fantasy of Lights in New Haven, a compromise that display last year and part of the display was off for a while.

There was also attempted theft of transformers from a substation in Litchfield. That was just an attempted theft.

We appreciate the Committee's consideration to take action before the situation becomes more critical. Relative to our sense of urgency is the fact that due to the current economic situation, this type of activity will likely increase.

Many of UI thefts have occurred late at night at our operations facilities. These are facilities where our workers are in at night. We have had instances when in the middle of the night there are people on our property stealing copper and it poses a risk for our employees.

Raised Senate Bill Number 1128 can assist with closing this gap that currently enables those engaged in theft of electrical copper wire and equipment to elude law enforcement.

The law should treat those engaged in the theft of scrap metal, done?

REP. FOX: You can finish your, just sentence, and can go on for a few moments.

WENDY ARDIZZONE: --scrap metal processors, the same for both the telecom industry and the electric industry. We appreciate--

REP. FOX: Does that conclude your testimony, or do you have anything else you needed to add?

WENDY ARDIZZONE: UI believes that by extending the requirements currently in place for the telecom industry to the electric industry the legislation can improve the process by which copper sales are tracked, reduce copper theft, and assist law enforcement agencies.

REP. FOX: Thank you very much. Are there any questions? Representative O'Neill.

REP. O'NEILL: Part of this bill, and I'm not sure if you testified about it, relates to recycling of motor vehicles. Is that related, is that something unrelated to your concerns?

WENDY ARDIZZONE: That's unrelated to our concerns. Our concerns are safety of our employees.

Theft of this copper will compromise the electric utility industry, our infrastructure. That's part of our critical infrastructure.

REP. O'NEILL: Okay. Thank you.

REP. FOX: Are there any other questions? No. Thank you. Next is Victoria Hively, to be followed by Deborah Fuller.

VICTORIA HIVELY: Good afternoon.

REP. FOX: Good afternoon.

VICTORIA HIVELY: As you can tell by my sticker, I'm here for House Bill Number 6452. It's the same bill as last year, gender identity and gender expression, basically an antidiscrimination bill. Those are the exact words that Sally Tamarkin sent to me over Facebook on Tuesday. It's the same bill as last year.

Does anyone see how that sentence should have never been written? Why are we here for another year fighting for something that all people should have? Sally, I, and the other speakers shouldn't have to be sitting here telling you the same things we did last year and for the last four years.

Are we in the French Revolution? I doubt that. So why are we fighting for equality in 2009? I can text people in India on my phone right now, but people can't have equal rights.

If I were to dress up like a man every day for the rest of my life, I would demand that my expressions be backed up so that if someone fired me from a job, if someone told me that transsexuals, transgendered and transvestites were bad people, I wouldn't have to deal with them.

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2009

the panel, the three of you and maybe we can consolidate some of that.

WAYNE CHAGNOT: Yes. Thank you.

SEN. MCDONALD: I'm not going to give you nine minutes by the way.

WAYNE CHAGNOT: Yes, we know. Thank you.

SEN. MCDONALD: Okay.

WAYNE CHAGNOT: My name is Wayne Chagnot. I'm an owner of a licensed Connecticut automotive salvage yard and I'm the current President of the Connecticut Automotive Recyclers. With me is Jimmy Edevitas who's also a licensed owner of a yard, and he's a past president of our Association, and Brian Adams who is an operator of two licensed yards in the State of Connecticut.

We are here to ask for your support in Raised Senate Bill Number 1128 An Act Concerning Interruption Of Telecommunications Service, Scrap Metal Processors and Motor Vehicle Recyclers, Section 3 of the bill, which concerns automotive recyclers.

Our Association represents approximately 45 of the 125 licensed operations in this state. I have previously testified in front of the General Law Committee about Raised House Bill Number 5946 and the problems presented by unlicensed automotive recyclers and individuals who present themselves to the public as licensed recyclers.

Under current Department of Motor Vehicle regulations, these unlicensed recyclers are outside of the jurisdiction of the Department

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of Motor Vehicles. Raised Senate Bill Number 1128 corrects this situation.

Under this bill, all individuals and entities that wish to recycle automobiles would have to be licensed by the Department of Motor Vehicles or risk being fined or penalized by the Department of Motor Vehicles.

The Connecticut Automotive Recyclers Association fully supports Raised Senate Bill Number 1128, specifically Section 3.

I'd like to, I'd also like to thank Senator Kissel for his help in bringing forth the language in this current bill. The language here does provide it very clear and concise manner for which to deal with this issue. Myself and the membership of the Connecticut Automotive Recyclers Association ask that you please support Senate Bill Number 1128 and we're available for your questions.

SEN. MCDONALD: Are there any questions? Senator Kissel.

SEN. KISSEL: Thank you very much, Mr. Chairman. I just want to thank you for your kind words. You know, we're in the home stretch for this Committee, so either yourself or whoever you have working with you here in the Legislative Office Building, keep on us for the next couple of weeks so it doesn't slip through the cracks.

But clearly, folks from my district are concerned about this that are associated with your organization, and ultimately, I think the problem is that these fly-by-night organizations, they, you know, they're not giving back to the state the things that you folks do.

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Who knows where their refuse ends up going? It could be up in the woods or stuff like that, so it's a big problem and for the folks that actually have a, you know, a reputation and an establishment, and they're trying to play by all the rules here in the state, we need to take care of you guys, and I appreciate you spending the time this afternoon to patiently wait for your turn to come and testify.

WAYNE CHAGNOT: Thank you.

SEN. MCDONALD: Thank you. Are there any other questions? Thanks very much.

WAYNE CHAGNOT: Thank you.

SEN. MCDONALD: Gretchen Raffa, followed by Kathryn Hearn. Is Kathryn Hearn here? Good afternoon.

GRETCHEN RAFFA: Good afternoon. Senator McDonald and members of the Judiciary Committee, my name is Gretchen Raffa, Community Organizer for Planned Parenthood of Connecticut testifying in support of House Bill Number 6452 An Act Concerning Discrimination.

Planned Parenthood of Connecticut serves about 65,000 patients yearly for reproductive and sexual health services. As health care providers, we have taken appropriate steps to promote the health of our lesbian, gay, bisexual and transgender patients by looking at our policies, clinical practices and staff training to improve access to quality healthcare for all individuals who come through our health center doors.

Transgender people are underserved in our healthcare system, and this is only one form of the discrimination they face in our society. Transgender, transsexual and gender



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March 19, 2008

Honorable Representative Lawlor, Senator McDonald and members of the Judiciary Committee
Room 2500
210 Capitol Ave
Hartford, CT 01606

Dear Representative Lawlor, Senator McDonald, and members of the Judiciary Committee,

Thank you for giving me the opportunity to speak to you today regarding the RAISED BILL NO. 1128, AN ACT CONCERNING INTERRUPTION OF TELECOMMUNICATIONS SERVICE, SCRAP METAL PROCESSORS AND MOTOR VEHICLE RECYCLERS. I am the General Manager of Connecticut Operations for Sims Metal Management, which has operations in Stamford, North Haven and New Haven.

I believe the as written bill may have several unintended negative consequences for our industry. In the proposed bill the following provisions should be amended to clarify the type of scrap material intended to be targeted by the law, specifically to state scrap utility equipment - not the generic term scrap equipment. The current language allows this section to be open to misinterpretation which could lead to misapplication of the law. Such misapplication would cause great harm to honest metal recyclers across the state of Connecticut by imposing an undue burden to set aside material, or impose a risk of conviction, not intended in the spirit of the law.

Additionally, further distinction of the utility equipment should be added to the Larceny Section and the Tag & Hold Section. Again, vague language and broad language could be left open to varied interpretation, result in undue burden to set aside material, or impose a risk of conviction, not intended in the spirit of the law

- In Section 1. Section 53a-123 (a) (6), the Larceny Section.
"or (6) the property, regardless of its value, consists of wire, cable or other [such utility] equipment used in the provision of telecommunications service and the taking of such property causes an interruption in the provision of emergency telecommunications service."
- In the proposed Sec. 2. Subsection (a) of section 21-11a, (a)

"Such scrap metal processor shall not be required to segregate scrap metal it receives from other materials on its premises and hold the same for five days except for scrap [wire, cable or other such utility] equipment [STRIKING the words wire or cable] that could be used in the transmission of telecommunications or data or the transmission or distribution of electricity by an electric distribution company unless purchased from (1) a person registered pursuant to section 29-402 to engage in the business of demolition of buildings, or (2) a person who has already segregated such scrap metal pursuant to this chapter and such person provides such scrap metal processor with a written statement affirming such segregation."
- In the Tag & Hold Section, Sec. 2. Subsection (a) of section 21-11a:

"Such scrap metal processor shall not be required to segregate scrap metal it receives from other materials on its premises and hold the same for five days except for scrap wire, cable [or other such utility equipment] that could be used in the transmission of telecommunications or data or

the transmission or distribution of electricity by an electric distribution company."

- Also in Proposed Sec. 2. Subsection (a) of section 21-11a, (a)(2):

"Upon receipt of scrap [wire, cable or other such utility] equipment [STRIKING the words ~~wire or cable~~] that could be used in the transmission of telecommunications or data or the transmission or distribution of electricity by an electric distribution company, such scrap metal processor shall make a copy of the certificate of registration of such vehicle, [;] record a description of the material received, [;] and record a statement as to the location from which the material came."

Sims Metal Management has no other objection to this legislation besides those changes. Once again, the current language allows this law to be open to misinterpretation which could lead to misapplication. Such misapplication would cause great harm to honest metal recyclers across the state of Connecticut by imposing an undue burden to set aside material, or impose a risk of conviction, not intended in the spirit of the law.

We have been working with and will continue to work with law enforcement and affected industries to make sure scrap metal recyclers across the state are in compliance with Public Act 08-150

Thank you for your time, I look forward to working with you more on this issue.

Sincerely,

John Sartor
General Manager - Connecticut
Sims Metal Management



STATEMENT OF AT&T CONNECTICUT

Regarding Raised Senate Bill No. 1128
**An Act Concerning Interruption of Telecommunications Service,
 Scrap Metal Processors and Motor Vehicle Recyclers**
Before the Committee on Judiciary
March 19, 2009

Proposal:

Section One of Raised Senate Bill No. 1128 would add to the list of offenses which constitute larceny in the second degree to include when a person steals property used in the provision of telecommunications service which would prevent an individual from making an emergency telephone call. Larceny in the second degree is a Class C felony punishable by a term of imprisonment not less than one year nor more than ten years pursuant to Section 53a-35a of the General Statutes of Connecticut.

Comments:

AT&T strongly supports Raised Senate Bill No. 1128, particularly Section One of the bill, and thanks the Committee for raising the proposal.

Two years ago, the Connecticut General Assembly became one of the first states to pass a law to combat the growing practice of metal theft. That law requires scrap metal processors to keep better records on scrap metal which it purchases in order to cut down on stolen property handled by such processors and allowing police to have more information to identify and stop thieves. The law has become a model that has been used by other state legislatures across the country.

While the law passed two years ago has helped to reduce some thefts, metal thefts continue to be an issue for AT&T, other companies, and consumers. In fact, a recent report by the National Insurance Crime Bureau found that there were more than 13,500 insurance claims filed involving metal thefts – most related to copper – between just January 2006 and November 2008. While the economic downturn has reduced prices for scrap metal, those reductions are expected to be temporary as the economy improves; and, in fact, according to the Wall Street Journal copper prices are already up nearly 20 percent this calendar year.

As a company, AT&T has taken a number of steps to reduce the opportunity for thefts of its property including daily security checks of its facilities and keeping spare copper wire locked up. These steps have helped to reduce theft, particularly theft that had been relatively easy to commit. However, thieves have adapted as well, and we are seeing more instances of thieves stealing equipment which is in-use and providing service to customers. When thieves steal equipment that is being used to provide service, they victimize not only AT&T but also our customers who lose service, in particular access to emergency 911 service. Attached to our testimony are copies of news stories from

around the country detailing thefts of telecommunications equipment which have led to service outages for customers.

AT&T believes that the legislation before you will help to give police and prosecutors another tool to use to punish those who steal property and as a result impact consumers' ability to make emergency phone calls.

Conclusion:

AT&T strongly support Raised Senate Bill No. 1128 because it will impose appropriate criminal penalties on persons who steal property and in the process put consumers at greater risk by depriving them of being able to make emergency telephone calls.

Cooper Theft & Community Impact
Nationwide, February 2007 - February 2009

Theft leads to power outage for more than 16,500

Herald Dispatch.com

By Curtis Johnson

11 February 2009

Two held in copper theft at substation

Greenville News

By Terry Cregar

6 February 2009

Attempted Copper Theft Leads to Power Outage

WYFF4.com

4 February 2009

Thieves target phone wires

Macon Telegraph

By Ashley Tusan Joynes

31 October 2008

Georgia Emc; Metals Theft Summit Brings Renewed Commitment to Catch Thieves

Biotech Week

22 October 2008

POWER OUTAGES; Copper thieves now hitting AEP sites

The Columbus Dispatch

By Dan Gearino

9 October 2008

Copper wire thefts increasing ; Upswing in Valencia County knocks out phone and 911 services

Albuquerque Journal

By Clara Garcia

22 September 2008

Thieves leave 210 without phone service

Charleston Gazette

19 September 2009

\$2,000 worth of copper stolen from AEP substation

Times Recorder

22 July 2008

Copper thieves cut off phones

Greenville News

By Anna Simon

2 May 2008

Cooper Theft & Community Impact
Nationwide, February 2007 - February 2009

**Entergy Arkansas Offers \$5,000 Reward in Hot Springs Copper Theft
Targeted News Service**

1 May 2008

DSL service restored in area

South Bend Tribune

By Mart Goodland Heline

26 April 2008

Copper theft leaves 6,000 in dark

Associated Press Newswires

11 April 2008

Thieves turning copper into cash

The Republican

By Patrick Johnson

17 February 2008

Power outage caused by attempted copper theft

Associated Press Newswires

31 January 2008

Wire theft causes outages

The Republican

By Lori Stabile

11 December 2007

Copper Thieves Cause Power Outage, Damage at Houston Library

Library Journal.com

By Jennifer Pinkowski

5 December 2007

**Man questioned as failed copper theft knocks out power Possible suspect quizzed in failed
copper theft; SUBSTATION DAMAGE CUTS ELECTRICITY TO 5,800**

The Lexington Herald Leader

By Ashlee Clark

11 October 2007

Copper theft causes outages

Topeka Capital-Journal

6 October 2007

Cooper Theft & Community Impact
Nationwide, February 2007 - February 2009

Copper wire thieves cause power outage

Topéka Capital Journal

By Tim Hrenchir

20 July 2006

Cooper Theft & Community Impact
Nationwide, February 2007 - February 2009

Theft leads to power outage for more than 16,500

Herald Dispatch.com

By: Curtis Johnson

11 February 2009

HUNTINGTON — Electricity was cut to more than 16,000 customers midday Wednesday, as crews made repairs after a copper theft in the West End of Huntington.

The outage was short lived and affected customers in Cabell, Lincoln and Wayne counties. It affected 16,650 at its peak about 12:15 p.m. The number fell below 3,500 minutes later, according to American Electric Power.

AEP spokesman Phil Moye said a late-night copper theft is to blame. It occurred at the utility's West Huntington station.

Unusual readings at the station prompted concern. Crews visited the station and immediately noticed the theft. It left energized equipment in a dangerous ungrounded condition.

Moye estimates the theft will cost thousands of dollars in repairs for \$200 to \$300 in copper. He said the outage also would impact the utility's reliability to its customers, many of whom were affected by last month's ice storm.

"It's a huge frustration for them and certainly causes us undue work," he said. "It's a huge, huge impact for a very small amount of financial gain."

AEP did not have any suspects as of midday Wednesday. Anyone with information about those responsible should call report it to local law enforcement or to call AEP's toll-free security hotline at 866-747-5845.

The utility offers a reward of up to \$5,000 for information that leads to the arrest and conviction of thieves who steal copper from electrical facilities.

Moye said the frequency of copper theft has declined with as the metal's worth decreased. The utility takes security measures at its facilities to prevent theft and terrorism.

Moye said copper theft remains a dangerous crime for those who break into a station and cut wires.

Moye explained Wednesday's repair caused outages wide customer base. He said other stations were shut down to protect crews making repairs at the West Huntington station.

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Two held in copper theft at substation

Greenville News

By: Terry Cregar

6 February 2009

Two people were arrested Thursday following a break-in at a Blue Ridge Electric Cooperative substation that led to a fire and knocked out electrical power to around 3,000 customers early Wednesday.

Nathan Scott Ramey, 20, and Nathan Mark Sutherland, 25, both of 209 Bivins St., Pickens, were each charged with larceny and malicious damage to property, according to arrest warrants from the Pickens County Sheriff's Office.

Warrants charge that Ramey and Sutherland damaged a substation on Breazeale Road in Liberty. The fence was cut and the substation was damaged while copper was removed, according to warrants.

In a press statement from the Sheriff's Office, officials said two men cut copper grounding wire, which caused power outages.

Blue Ridge Electric spokesman Terry Ballenger said Wednesday the outage cut power to 3,070 customers in Pickens County for around two hours that morning.

Ramey and Sutherland were being held Thursday afternoon in the Pickens County Detention Center.

Attempted Copper Theft Leads to Power Outage

WYFF4.com

4 February 2009

A few thousand people lost power in Pickens County on Wednesday morning after someone broke into a substation and tried to steal copper wire.

It happened just before dawn at the substation on Breazeale Road just outside the city of Easley.

Blue Ridge Electric Cooperative said someone cut through a fence surrounding the substation and tried to steal copper

officials said.

"It overheated and burned up on the inside," said Blue Ridge Co-op spokesman Terry Ballenger. "Fortunately, the heat and flame didn't get outside the confines of that voltage regulator, or it might have been a much bigger problem."

At the height of the outage, about 3,100 Blue Ridge Electric customers were without power.

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"We were concerned about the folks being out of power in their homes in this cold weather," Ballenger said.

One of those customers was Jerry Duncan, who lives across the street from the substation.

Duncan said that after a couple of heart attacks, he has to sleep with an oxygen tank at night.

He said he awoke around 6.30 a.m. when his electricity went out, but he stayed in bed to keep warm.

"It did get chilly," Duncan said.

Ballenger said the person who broke into the substation may have been hurt trying to steal the copper.

The person managed to steal only about \$45 dollars worth of the metal and dropped a lot of it on the way out, he said.

"The signs are that they left in a hurry so there may have been some injuries there," Ballenger said.

Blue Ridge Electric crews had the power restored for most people in about two hours and the substation was repaired by about noon.

Ballenger estimates the total cost of repairing the damage could be in the thousands of dollars.

"I think when you tally all that up it's going to be a substantial sum," he said. "and the person, if they're caught, will pay a price."

Thieves target phone wires

Macon Telegraph

By: Ashley Tusan Joynes

31 October 2008

Authorities continue to investigate a copper theft Wednesday when about 600 feet of telephone wire was taken from three telephone poles in east Bibb County.

Bibb County sheriff's investigators discovered the wire missing after responding to a downed pole in the 4100 block of Jeffersonville between Shady Rest Lane and Harold Road, according to a sheriff's office report.

Sheriff's office spokesman Lt. George Meadows said someone posing as an AT&T contract electrician likely used a vehicle to knock down the poles, which ran only the telephone wire.

Customers served by the poles were without phone service for hours, he said, but service was restored by the end of the day. The total cost of repairs for AT&T was about \$10,000, he said.

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Meadows said the sheriff's office has received other reports from utility workers about wire theft from cable poles in Macon and other parts of the county during the last three to four weeks, including off Rocky Creek Road and in the Bloomfield neighborhood. The thefts usually occur late at night or early in the morning, he said.

The incident Wednesday happened between 6:30 and 6:50 a.m., according to the report.

The person or people responsible for the theft are using unmarked bucket trucks and posing as contractors for AT&T and other various utilities, authorities said. Meadows said the possible suspects are white males in their mid-40s. The vehicles involved are believed to resemble large white pickup trucks with buckets that retract over the cab or over the rear end of the vehicle.

The thieves are removing the phone cable by cutting it into approximately 6-foot sections, according to authorities.

"The indications are that they're cutting them as they go and taking the pieces to a recycler to get cash for the copper inside ... because you can't use the wire after you cut it into pieces that small," Meadows said.

Residents are advised to be on the lookout for people posing as contract workers, particularly for AT&T, which Meadows said does not employ outside electricians or workers.

AT&T workers carry blue and white company badges marked "employee," the employee's name and the badge's expiration date.

Georgia Emc; Metals Theft Summit Brings Renewed Commitment to Catch Thieves
Biotech Week
22 October 2008

2008 OCT 22 - (NewsRx.com) -- "I'm sure we all wish the passage of a law could eradicate a criminal act, but it doesn't work that way," said Georgia Bureau of Investigations (GBI) Director Vernon Keenan.

Keenan made the remarks at a Metals Theft Stakeholder Summit held Oct. 6 in middle Georgia and telecast in Atlanta. Keenan referred to legislation passed in 2007 which allows prosecutors a greater ability to seek a felony conviction (rather than a misdemeanor) for the crime of metals theft. Despite changes to the law, however, metals thefts continue to rise at an alarming rate.

Consequently, Georgia Electric Membership Corporation (EMC) hosted the Metals Theft Stakeholders Summit during which approximately 100 representatives from across Georgia, representing utilities, telecommunications, law enforcement, district attorneys, railroads, homebuilders, apartment owners, automobile dealers and recyclers, among others, gathered to bring attention to the widespread nature of these crimes and share the devastating impact to businesses and consumers.

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Since these organizations and consumer groups have been hardest hit and have spent hundreds of thousands of dollars associated with the problem, they are partnering to galvanize their grassroots efforts in communities throughout Georgia to enhance coordination of security and communication among stakeholders and consider ways to stem the rising tide of these costly crimes.

According to Georgia EMC Vice President of Government Relations and Communications and Member Services Bill Verner, thieves are becoming increasingly bold and careless when stealing metals.

"Consumers foot the bill for the damage left by a wire thief. Utilities must pass along increased costs to replace and repair damaged equipment, and more importantly, our employees and the public are left vulnerable to electrocution hazards in the wake of many such crimes," Verner said.

"Homebuilders, already struggling in today's tough economy, must replace copper stolen from new and vacant houses. Apartment owners must increase rent to recover costs, and taxpayers are bearing the costly treatment in emergency rooms for burn victims who've been injured during the course of break-ins to energized electric substations. The costs to the consumer -- and public safety -- are tremendous," he said.

Consequences extend beyond consumers' pocketbooks. Recreation leagues have been forced to cancel soccer and basketball practice for hundreds of young athletes throughout the state, because copper has been ripped from poles which light soccer fields and basketball courts. Churches have suspended services after copper was taken from pipes and air conditioners, and a small historic church in rural Washington County was burned to the ground last year by copper thieves who tried to cover up their crime with the fire.

According to Verner, metals thefts are now causing power outages in some parts of the country. Yesterday approximately 7,400 residents in Ohio lost power following a copper theft. "When wire is ripped from a substation as happened this week in Ohio," he said, "It can result in entire neighborhoods losing power."

Since metals thefts affect a wide spectrum of businesses and associations, the summit attracted representatives from the electric cooperatives throughout Georgia, Georgia Transmission Corp., Georgia Power, AT&T, MEAG Power, Southwire, Homebuilders Association of Georgia, Prosecuting Attorneys Council of Georgia, Georgia Sheriffs Association, Georgia Bureau of Investigation, Georgia Association of Chiefs of Police, Norfolk Southern, Georgia Apartment Association and Georgia Automobile Dealers Association, among others.

During the meeting, stakeholders discussed possible ways to reduce the rash of thefts, while representatives ranging from the Homebuilders Association of Georgia to Prosecuting Attorneys Council of Georgia discussed the financial and safety impacts of these crimes and the challenges they face when attempting to enforce the law.

The EMCs in Georgia reported approximately 350 incidents of metals thefts in 2007 with costs

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reaching \$200,000. Companies such as Georgia Transmission Corp. reported as many as 98 incidents (through September 2008) totaling \$500,000. AT&T and Georgia Power spokespersons reported 56 incidents (through August 2008) costing more than \$100,000, and 147 incidents (through September 2008) totaling \$237,000, respectively.

Coalition members pledged to maintain an open dialogue among stakeholders; strengthen relationships among recyclers, sheriffs, chiefs of police, district attorneys, and public and private businesses; pursue additional avenues of prevention and work to close any loops in existing state law.

Stakeholders agree it will take a solid partnership and cooperation to lessen the epidemic and stem the surge of these unlawful acts, and each committed during the meeting to become an active partner in the effort to reduce metals thefts.

Georgia EMC is the statewide trade association representing the state's 42 EMCs, Oglethorpe Power Corp. and Georgia Transmission Corp. Collectively, Georgia's customer-owned EMCs provide electricity and related services to four million people, nearly half of Georgia's population, across 73 percent of the state's land area.

**POWER OUTAGES; Copper thieves now hitting AEP sites
The Columbus Dispatch**

By: Dan Gearino
9 October 2008

Thieves turned off the lights for parts of Dublin and Clintonville on Tuesday by stealing copper wire from electricity substations, part of what American Electric Power says is a trend that could lead to serious injury or death.

AEP reports 13 copper thefts in the past two months, seven of them in the past 10 days.

"We have suddenly been hit by a real rash," said Vikki Michalski, an AEP spokeswoman.

About 4,900 Clintonville residents lost power early Tuesday just after a copper theft. That afternoon, about 2,500 Dublin residents lost power for the same reason.

The incidents are a relatively new wrinkle in the growth of scrap-metal thefts across the region. In this case, the victims extend far from the building that has been stripped, as the power station goes offline and an entire neighborhood loses power. Sometimes the theft doesn't lead to a power failure, but workers need to turn off the electricity while they make repairs.

AEP says the damage from a theft typically takes up to 90 minutes to repair and costs about \$12,000 per incident, costs that eventually will be passed on to customers.

Unlike more-common copper thefts, such as from construction sites, thieves in power stations are one wrong move away from a high-voltage death.

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"It's scary to think people would go to this level (of danger) to get at metals," said Dana McDaniel, Dublin's deputy city manager.

His house was one of those that lost power, although for only a few minutes while workers replaced the stolen wiring.

AEP is adding security systems at some stations and replacing some of the coveted copper parts with metal that is less likely to be stolen. The company also is offering a \$5,000 reward for information that leads to prosecution of thieves.

Copper prices shot up in 2005 and 2006, rising to more than \$4 per pound on the London Metal Exchange. Prices stayed around that level until the past few months, when they dropped to below \$2.50.

"The price of scrap metal has become so (high) that it's unfortunately lucrative for thieves to steal," said Lt. Michael Woods, supervisor of the burglary section for the Columbus police. "Things like copper wire, aluminum siding, copper downspouts ... are being taken across the city."

The rising prices correspond to the growth in metal-related thefts in Columbus, he said. Complete statistics were not immediately available, but he did have records of metal thefts in January of the past four years, rising each year from seven in 2005 to 113 in 2008.

Under a state law that went into effect last month, scrap-metal sellers are required to show a photo ID and prove they own items such as guard rails and beer kegs.

Woods was unaware of any injuries or deaths arising from the thefts in Columbus. However, last year, a northeastern Ohio man was electrocuted while trying to steal copper from a power substation.

Copper wire thefts increasing ; Upswing in Valencia County knocks out phone and 911 services

Albuquerque Journal

By: Clara Garcia

22 September 2008

Valencia County has seen a recent upswing in copper wire thefts, especially telephone wire, costly hundreds of thousands of dollars in damages and putting area residents in danger by knocking out phone services including 911 access.

The price of copper pipe and tubing has risen over the last few years-- now about \$4 a pound -- giving thieves an incentive to steal it and resell it, Valencia County Sheriff Rene Rivera said. The problem has been increasing over the past year, but lately, reports of copper theft have become commonplace.

"It's getting pretty bad," Rivera said. "It seems like it's happening every day or every other day."

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In the past week, at least three different occurrences of copper wire theft have resulted in areas of the county losing telephone service.

Rivera said the crime not only affects residents' service, but it also affects public safety. Recently, 911 services were down for several hundred people as a result of a copper wire theft. Someone stole several hundred feet of copper wire from the El Cerro Mission area as well as on N.M. 116, south of Belen. Another theft happened on a weekend morning on Los Lentos Road. Both instances left hundreds of people without phone service for hours.

"It's plaguing the community," said Gary Younger, a spokesman for Qwest, about the rash of copper thefts. "We're talking more than just theft; it's an assault on public safety. You're looking at putting some critical services at risk, such as hospitals and schools, when the telephone lines are down."

Younger said thieves taking the copper wire from telephone lines are impacting their customers' ability to reach community services, to conduct business and to contact emergency personnel when needed.

"This has been a problem that's been going on for a while, and it's recently gotten worse," Younger said. "Our technicians are working as quickly as possible as soon as there is an interruption in service. We are finding that our technicians are spending more time on repairs rather than being able to work with customers."

Rivera said most of the copper wire thefts from utility companies are happening in the middle of the night when it's less likely the thieves can be seen or caught. "I think it might be the same people, and they're taking out of the county to sell," Rivera said. "They're taking anywhere from 200 to 700 feet at a time."

The rash of copper thefts is not new to Valencia County or to any other area of the state or country. But while the unincorporated areas of Valencia County seems to be the hardest hit, law enforcement officials in local municipalities say they have either received few or no complaints.

Belen Police Capt. Dan Robb said he couldn't recall any reports of stolen copper wire within the city limits. He did say that he has received a complaint from a Belen recycling center that people have tried to sell it. "The person who owns that place is very diligent and won't buy it from them," Robb said. "One time he did, and put it to the side, but that was the only time. Since then, he is very cautious of what he buys."

Los Lunas Police Detective Captain Charles Nuanes said the village hasn't experienced the volume of copper theft as areas in the county. He said that the last one he can remember occurred in November 2006 at the construction site of the new county courthouse on N.M. 314. According to a criminal complaint filed earlier this year, police charged 51-year-old George Hale of Los Lunas with commercial burglary in connection with the incident.

Kevin Fuller, spokesman for PNM, says while the company does experience copper theft, it's not very common. "Our main concern is safety," he said. "People are dealing with high voltage

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areas, and they're putting themselves in danger when they attempt this. Not only are they putting themselves in danger, they're also putting the safety of residents and businesses in danger."

Copper thefts can cause power failures and whenever someone does remove wire from the equipment, there is the potential that it will affect customers, he said.

"No one can ever assume that the lines aren't energized, even at construction sites," he added.

Tiffany Payne, a spokeswoman at Comcast, said she spoke to the company's technical group and they have not experienced any issues regarding copper thefts in the area. "We had a couple of fiber cuts a few months ago, but we didn't see any thefts," Payne said.

While other utility companies are not experiencing the number of thefts that Qwest is, Younger says that the problem is happening all over New Mexico and everyone needs to be vigilant in keeping an eye out for suspicious activity. "This is kind of a community problem, and we're hoping for a community response. We're asking that if anybody witnesses some sort of suspicious activity or someone talking about copper thefts, to call law enforcement.

"By the same token, we're also asking metal recyclers to report if anyone brings them any material they suspect is stolen," Younger said.

In response to the recent increase in copper thefts, Qwest has employed security measures that are both seen and unseen to assist law enforcement in apprehending those responsible, he said.

Thieves leave 210 without phone service

Charleston Gazette

19 September 2009

A spokesman said 210 households in the Coopers Creek area lost phone service after thieves stole more than 200 feet of copper from a Verizon cable.

The incident happened early Wednesday morning, cutting service for more than 24 hours, said Harry Mitchell, spokesman for Verizon.

Phone company crews had to replace the cable and re-splice the line. Service was back up by 8 p.m. Thursday, Mitchell said.

"People are looking for copper everywhere and we have had a number of incidents of copper theft in our lines over the past year or so," Mitchell said.

"It's something we're taking very seriously and we're working with law enforcement. A number of arrests have already been made in the past several months."

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\$2,000 worth of copper stolen from AEP substation

Times Recorder

22 July 2008

ZANESVILLE -- American Electric Power will offer a reward for information leading to the successful prosecution of the person or persons responsible for a copper theft at a local station.

The theft at the Hughes Street substation forced AEP to cut power to the station for several hours Monday evening.

According to Zanesville Police Department Capt. Doug Merry, officers discovered the fence surrounding the Hughes Street substation had been cut Monday morning.

Upon further inspection, they noticed copper wiring had been stolen and reported the incident to AEP, who sent crews to investigate.

Merry said it's unclear when the break-in occurred, whether it was late Sunday night/early Monday morning or over the weekend, but they stole \$2,000 worth of ground wire.

"Which is heavy-duty, solid core copper," Merry said. "It's a wonder whoever did it didn't get absolutely fried. They're probably extremely lucky they're still alive."

The incident is under investigation.

AEP spokesperson Vikki Michalski said the ZPD informed AEP of the theft on Monday and workers would make repairs resulting in power being out from 6:30 to 10 p.m.

She said the boundaries of the outage included Main Street to the north, White Oak Avenue to the east, Sharon Avenue to the south and Luck Avenue to the west.

According to her, copper thefts have been a growing problem for AEP and other utilities. She said these types of thefts cause hazardous situation and extensive damage to equipment.

Copper thieves cut off phones

Greenville News

By: Anna Simon

2 May 2008

Recent thefts of copper wire from phone lines left some homes and businesses in Greenville and Anderson counties without phone service.

"AT&T is taking this matter very seriously," said Pamela Lackey, president of AT&T South Carolina. "We are working with law enforcement, as well as those legislators proactively doing what they can to respond to a growing issue."

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Anderson County detectives are investigating the recent theft of copper wiring from phone lines in the Pelzer area, said Susann Griffin, spokeswoman for the Anderson County Sheriff's Office.

"Copper theft is an increasing crime all over Anderson County, all over anywhere," Griffin said. "There is a market out there for the copper."

The steady rise in the market price of copper during the past few years has led some people to extreme measures, including stealing copper cables from houses and telephone poles, Lackey said.

In addition to compromising the safety of individuals, tampering with phone lines that the public uses to place emergency telephone calls, or to request emergency assistance is a felony under federal law, Lackey said.

AT&T urges shop owners, employees and anyone else with information on the recent copper thefts to alert authorities, Lackey said. AT&T also asks the public to be cognizant of suspicious unmarked utility vehicles where potential thieves may be stealing copper cables.

A bill toughening a law against unlawful purchase of copper recently passed the state House and has been referred to a state Senate Judiciary subcommittee.

"I'm aware of the problem. Obviously we are going to have to do something about it," said state Sen. Lewis Vaughn, R-Greenville.

Entergy Arkansas Offers \$5,000 Reward in Hot Springs Copper Theft
Targeted News Service
1 May 2008

LITTLE ROCK, Ark., May 1 -- Entergy Arkansas issued the following news release:

As the theft of copper wiring is growing, Entergy Arkansas, Inc., with support from the Hot Springs Police Department's Crimestoppers Awareness Program, is offering a \$5,000 reward for information leading to conviction of persons responsible for the theft that resulted in a power outage at the Hot Springs South substation last week.

Entergy Arkansas has been hit with a rash of incidents of copper theft so far this year, a sign that sky-high prices for base metals are thwarting efforts to crack down on the crime. Copper wiring and other metals are crucial to the operation of distribution and transmission networks, making electric utilities such as Entergy Arkansas magnets to thieves.

"Entergy Arkansas is committed to the safety of our system and to the safety of the communities that we serve," said Tom Maupin, security specialist, Entergy Arkansas, Inc. "We're asking the public to join us in being vigilant and to report any information related to copper thefts."

The Hot Springs Police Department Criminal Investigation Division is working closely with Entergy Arkansas in resolving these thefts. Anyone with information is encouraged to call the

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Crimestoppers hotline at 501 321-6742 where they will remain anonymous. Citizens are also encouraged to call the Hot Springs Police Department (501 321-6789) if they see any suspicious activity around any of the Entergy Arkansas substations in the area.

In a two-week span, thieves entered the company's Hot Springs Service Center and the South substation, stealing copper and causing considerable damage to the facilities, including a power outage for 2,800 customers last Sunday. Thieves have also broken into service centers and substations in Malvern, Little Rock, Hot Springs, Jacksonville, and El Dorado in the past year.

"Copper wire theft poses a risk to service reliability for customers and also results in a significant cost to replace and repair the damage," said Maupin.

Entergy Arkansas is taking various steps to reduce the number of copper wire thefts. For example, the company is currently utilizing several new technologies on its equipment to protect its system. These technologies make it harder to take the copper, and the stolen copper can be identified after it has been taken.

DSL service restored in area

South Bend Tribune

By: Marti Goodland Heline

26 April 2008

Service was restored to AT&T high-speed Internet customers by early Friday after an 11-hour outage that began Thursday afternoon, according to company officials.

Service for many customers was restored in a shorter period of time because AT&T was able to reroute the affected DSL or long-distance service while repairs were made, said Chris Bauer, an AT&T spokesman.

However, the problems were more widespread than AT&T realized at first and affected many small business as well as residential customers.

The area affected included northwest Indiana from South Bend west to the Indiana-Illinois border.

"We had a lot of calls from really angry clients," said Joe Grossbauer, of Chesterton, Ind., owner of a company that provides Web site hosting, e-mail and exchange services for clients using T1 lines.

He said his connections went down just before 1 p.m. CDT and came back about 10:30 p.m.

"They were swamped with calls," Grossbauer said of his experience in contacting AT&T and speaking with technical service representatives.

However, Bauer said, AT&T did not consider the number of customer calls to be very large, possibly because of the rerouting AT&T did.

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Among those affected during the outage were Valparaiso University and a number of businesses in centers like University Park Mall in Mishawaka.

Businesses use DSL service to run credit or debit card purchases.

Problems began when a cable was cut Thursday along a railroad line between South Bend and Portage, Ind., in an apparent copper theft attempt. Bauer said.

The situation was somewhat unusual for AT&T because the lines affected were leased from a third party, Quest, and not owned by AT&T, Bauer said, so the company did not have as much control as it normally does.

Copper theft leaves 6,000 in dark

Associated Press Newswires

11 April 2008

DECATUR, Tenn. (AP) - A theft of copper from a power company substation caused a Friday morning blackout for about 6,000 people and closed schools for the day.

A Meigs County sheriff's dispatcher says most of the East Tennessee county was without power after the theft at a Volunteer Energy substation.

She said the outage started about 2 a.m. and power was restored about 7:30 a.m.

Schools were closed Friday. No arrests have been made.

Thieves turning copper into cash

The Republican

By: Patrick Johnson

17 February 2008

Geologists will argue that copper is not a precious metal, but they will never convince the copper thieves.

With the price of copper - officially considered a semiprecious metal - soaring in the last two years, copper theft is becoming a profitable, albeit illegal, enterprise.

Utility company yards, plumbing supply stores, factories, and vacant or abandoned properties are falling prey to copper bandits.

"People do some stupid things to extract copper from electrical substations," said David D. Graves, spokesman for National Grid.

The theft of copper is extremely troublesome in the real estate business, according to Kevin M. Sears, a Springfield Realtor who is also secretary of the Massachusetts Association of Realtors.

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Springfield, with its many vacant buildings, in the copper theft world is practically what Sutter's Mill was to the California gold rush, Sears said. "Thieves know they are vacant and they target them," he said.

Statistics from the Springfield Police Department seem to bear that out.

In 2007, Springfield police investigated 162 reported incidents of copper theft with a total worth of \$376,000. Police caution this number is an estimate and note that 27 of the 162 reports contained dollar estimates for stolen materials.

The average loss for the 135 that listed a dollar amount was \$2,786, police said.

Some 135 of the incidents occurred in residential properties, and 27 were in commercial or industrial properties, according to police. Three of every four were in vacant buildings, police said.

Palmer has seen several incidents of copper theft over the past year, according to Police Chief Robert P. Frydryk.

Three of them were at a National Grid facility, and two caused outages, he said.

"We've probably had at least six to eight cases where copper was taken from houses that were vacant and for sale," Frydryk said.

All of this is a new phenomenon for the small suburban town. Copper thefts are generally associated with larger communities such as Springfield, Chicopee and Holyoke, he said. "It's been prevalent in the cities - not here."

The rise in thefts parallels the rise in price of copper on the commodities market.

Since August 2003, when the price of pure copper was less than \$1 per pound, the value has shot up dramatically. At its peak in May 2006, the price reached \$4 per pound.

The price has fallen since then, but never below \$2.50 per pound. In late January, the price was around \$3.20 per pound.

The price for scrap copper is generally lower than pure copper straight from the mine. The recent price in Western Massachusetts was around \$2.42 per pound.

Sears said he knows of several properties that were stripped clean of all copper. The cost of repairing the damage for the property owner is "unbelievable," he said.

"Say they get \$400 to \$500 from a scrap dealer," he said. "It costs 10 to 20 times that to get it repaired."

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In addition to buying replacement materials, you have to contract with a plumber and electrician for installation. Then you need to go through the permitting and inspection process with the city, he said.

Houses with a "For Sale" sign out front or an eviction notice on the front door may as well have a bull's-eye, Sears said. A water shut-off notice is even better.

"They don't like it when they get wet stealing the pipes, he said.

Electrical utilities are also being hard hit by the metal thieves.

Officials with Western Massachusetts Electric Co. and National Grid each said their utilities have become more vigilant against copper thefts.

Ken Garber, spokesman for Western Massachusetts Electric, says the company has installed video surveillance systems around their storage yards as a result of wire thefts.

Thieves have taken wire and equipment from the yard, transformer stations, even from company trucks, Garber said.

"People have been known to hop over the fence and pull it right out of our recycle bins," he said.

Taking wiring from a building is a huge risk because a live wire looks just like an uncharged wire until you touch it.

"It seems as if there will be no stop to it until unfortunately someone is electrocuted," Garber said.

Graves said the risk of stealing electrical wire from a utility company is not worth the reward. There are two possible outcomes. One is prosecution, and the other is electrocution, he said.

"You got column A and you got column B," he said.

In recent years, the utility companies have joined together with municipal and state law enforcement, construction companies, the metal industry and anyone else legitimately involved in copper.

The idea is to increase communication about thefts and to watch out for each other, he said.

The arrest in December of two men in Palmer by Monson police was a result of this increased communication, he said. The two men were charged with stealing 100 pounds of copper wire from a National Grid substation in early December. They caused as much as \$100,000 damage and triggered an outage for 4,000 electrical customers, officials said.

Frydryk said copper theft is a crime of opportunity, driven not just by the price of copper, but the willingness of scrap yards to buy scrap basically from all comers.

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"They take what comes in. The people buy it," he said. "They don't care where it comes from."

Robert Kane, of Kane Scrap Iron and Metal in Chicopee, said the family-owned business has seen a lot of people coming in with scrap copper as the price has risen.

The business has no interest in being a fence for stolen merchandise, he said. Anyone who appears suspicious is sent packing, he said.

"We scrutinize people when they come in," he said. "We ask a lot of questions."

Sellers must provide a driver's license, which is copied. "And everyone is on videotape, too," he said.

If someone can't answer where they got the copper, or if they say they found it in their uncle's attic, Kane said it's no deal.

"I don't need the aggravation," he said. "We do enough with legitimate dealers," he said. The scrap yard deals a lot with builders, contractors and plumbers trading in old supplies, he explained.

Power outage caused by attempted copper theft

Associated Press Newswires

31 January 2008

BLOOMINGTON, Ind. (AP) - Authorities say someone attempting to steal copper wire from a power substation caused an outage that left about 2,000 customers in northern Monroe County without power for nearly 90 minutes.

Sheriff's deputies were called to the Hoosier Energy power substation along Indiana 37 north of Bloomington Wednesday evening. They found the padlock cut on the gate to the substation and found small pieces of cut wire and other items inside.

South Central Indiana REMC vice president of operations Phil Mattison says the would-be thief cut a ground wire and may have caused an electrical arc that knocked out power to the area.

Mattison says the thief also may have also suffered a severe burn. Police are looking for suspects.

Cooper Theft & Community Impact
Nationwide, February 2007 - February 2009

Wire theft causes outages

The Republican

By: Lori Stabile

11 December 2007

PALMER - Police said thieves and vandalism are to blame for weekend power outages that affected parts of Palmer, Monson and south Belchertown.

In the first outage Saturday night, 2,500 National Grid customers lost power. Sunday night, another 1,300 customers were plunged into darkness.

National Grid spokesman David D. Graves said the theft of copper wire from a substation was a "primary factor" in the Saturday outage, which lasted up to four hours in an area including Bondsville and south Belchertown.

Graves would say only that the theft was "extensive" and the thieves were lucky to escape unscathed. "They were very, very fortunate to survive that theft," he said yesterday.

"Tens of thousands of volts of electricity go through a substation," Graves said. Trying to remove any piece of equipment is "foolhardy," he said.

In Tyngsborough in March, two men were electrocuted when they cut a high-voltage wire at a vacant factory.

Graves said copper theft is "rampant," with reports around the state and country of thieves targeting anything that may contain copper, from abandoned buildings and homes under construction to electric company substations.

Police Chief Robert P. Frydryk said this isn't the first local copper theft. A Fuller Road substation was targeted several times, and copper plumbing was stolen from a vacant house and a former hardware store in Three Rivers.

The price of copper has more than doubled in the last two years, to about \$3 a pound. "There's a market . . . scrap yards buy it," Frydryk said.

Graves said an employee doing maintenance Saturday noticed copper had been stolen from a Palmer substation, requiring extensive repairs. Transformers are grounded with copper wire. Thieves cut it near the transformer, then rip it from the ground, he said.

When ground wire is ripped out, "an unstable situation" is created, Graves said, and bolts of electricity - like bolts of lightning - can flash through the air to ground or between pieces of equipment.

"People who do this, you have to wonder what's going on in their minds," he said

Sunday's outage, reported at 9:50 p.m., was caused when someone cut a ground wire, also

Cooper Theft & Community Impact
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affecting Monson customers. Graves said. Power was restored by midnight, he said.

Graves said the utility's vice president of security has contacted police departments on ways to stop the copper thefts. Increased surveillance has been discussed, he said

Copper Thieves Cause Power Outage, Damage at Houston Library

Library Journal.com

By Jennifer Pinkowski

5 December 2007

The Houston Public Library is the latest victim of the spate of copper theft that has spread across the United States in the last two years. On December 3, staff at the Julia Ideson Building, which houses the Houston Metropolitan Research Center and is the temporary location of the downtown Central Library's reference and circulation services as that library undergoes a renovation, discovered that thieves had cut the wiring leading to the generator and emergency panel. The library lost power to the elevator, emergency lighting for the staircases, and the fire alarm, according to the Houston Chronicle. The library was shut down for the day. Damages are estimated to be as much as \$25,000.

Copper is very attractive to thieves, as a building boom in Asia has boosted the price of the commodity about 400 percent in the last few years. Along with other public facilities like power stations and schools, libraries nationwide have been victims of copper thieves, who score an amount of metal that is worth a fraction of the damage they cause. The copper is often sold at recycling plants to fund the thieves' drug habits, law enforcement officials say. Many states are considering legislation to combat the phenomenon, including punishing recycling facilities for buying stolen metal and making copper theft a felony.

Man questioned as failed copper theft knocks out power Possible suspect quizzed in failed copper theft; SUBSTATION DAMAGE CUTS ELECTRICITY TO 5,800

The Lexington Herald Leader

By: Ashlee Clark

11 October 2007

Lexington police are questioning a potential suspect in a failed copper wire theft that left 5,800 customers without power yesterday morning.

The man appeared at an area hospital yesterday with "injuries that would be consistent" with an attempt to steal copper, said Lt. Douglas Pape, a duty commander with the Lexington police.

In the past two years, copper wire has become a hot commodity for thieves trying to cash in on the rising value of the material, Kentucky Utilities spokesman Cliff Feltham said. Copper can bring up to \$3 a pound at scrap yards, according to the Copper Development Association, a trade group.

But some have died in the pursuit of stolen copper used in electrical wiring.

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"The price is driving up the demand, and it's causing folks to go out there and do things they wouldn't normally do," said Lt. Phil Crumpton, a Kentucky State Police spokesman.

In August, a Kentucky Utilities employee in Harlan County found the body of a man who appeared to have been electrocuted while attempting to take copper wire. In June, a Kentucky man was electrocuted in a similar case in Vulcan, W.Va.

Across the country and around the world, people are stealing urns or taking copper from traffic signals and church domes. Some have resorted to stealing other metals -- cast-iron manhole covers, aluminum gutters from houses or bleachers from stadiums.

Yesterday's attempted copper theft occurred at a Kentucky Utilities electrical substation off Waveland Museum Lane. Several tools left at the scene indicated that someone had broken in and tried to disassemble some parts to get to the copper wire, but nothing was taken, Pape said.

Something probably blew up in the thief's face to make him stop, Pape said.

"He's lucky to be alive," Pape said. "They've had a few die doing what this guy is doing."

The botched theft caused a power outage that lasted from 4:40 a.m. to 7 a.m. yesterday. Those affected were in the area between Nicholasville and Clays Mill roads from the Fayette-Jessamine county line to Tiverton Way.

Kentucky Utilities has increased security around its 400 substations recently to thwart copper theft. But "somebody that's intent on doing it will find a way to get into the substation and find a way to steal the copper," Feltham said.

Unfortunately for thieves, KU has been changing its solid copper connections to copper weld, a combination of compounds that is worth considerably less than pure copper, Feltham said.

Sgt. Guy Greene, who handles commercial burglaries for the Lexington police, said he gets weekly reports of copper thefts. People have taken copper from homes under construction or renovation, utility areas and air conditioners.

"You name it, wherever copper is, they're trying to steal it," Greene said.

They then take the copper to salvage yards, where it is sold and can be shipped off by the next day, Crumpton said. The speed of the often-anonymous transactions makes it difficult for police to track those selling the illegal wire.

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Copper theft causes outages
Topeka Capital-Journal
6 October 2007

Approximately 4,000 Westar Energy customers were without power Friday afternoon after an overnight copper theft created a safety hazard requiring immediate repairs.

Highland Park High School and Scott Elementary were affected by the outage, said Ron Harbaugh, spokesman for Topeka Unified School District 501, but classes continued throughout the day.

Thieves stole an undisclosed amount of copper from a Westar substation Thursday night, and when discovered, company officials had to bring the power down while repairs took place, said Gina Penzig, Westar spokeswoman.

The lights went out in southeast Topeka at 12:30 p.m. Friday and were turned back on at around 3:15 p.m., Penzig said.

School officials weren't informed before Westar shut off power because the utility needed to act quickly.

"It was a safety issue that we considered an emergency situation," Penzig said.

She stressed how dangerous dealing with power stations can be for trained employees, much less thieves tinkering with copper wiring.

Copper wire thieves cause power outage
Topeka Capital Journal
By Tim Hrenchir
20 July 2006

Someone stealing copper wire from an electrical substation caused a power outage that affected about 2,650 homes and businesses today in North Topeka as the city sizzled under temperatures near the century mark, officials said.

The power failure meant a loss of air conditioning that lasted almost two hours at the Topeka Rescue Mission, which set a record this week for the number of homeless people in its houses.

The outage was in progress throughout much of North Topeka as the National Weather Service officer near Philip Billard Municipal Airport at 2 p.m. recorded a temperature of 102 degrees and heat index of 108.

Westar spokeswoman Karla Olsen said the outage began at about 12:30 p.m. at an electrical substation. Topeka police spokeswoman Kristi Pankratz said officers were called at about 1 p.m. to the substation at N.W. Tyler and St. John, where they made no

Cooper Theft & Community Impact
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arrests but took a report indicating property was damaged and copper wire stolen.

Olsen warned the public that it is "incredibly dangerous" for anyone to enter an substation and try to cut out copper wiring.

"The person or people who did this are lucky that they didn't hurt themselves or worse, not to mention that they cut power to thousands of customers in temperatures of 100-plus degrees," she said.

Olsen said today's outage affected areas ranging from the Kansas River on the south to N.W. Button Road on the west, N. US-24 highway on the north and N.E. Meriden Road on the east.

The outage forced Topeka police to stand in the intersections direct traffic at various North Topeka crossings where traffic lights had stopped working.

Power was returned by 1:10 p.m. to about 1,800 of the homes and businesses that were affected, Olsen said.

She said power was then restored by 2:29 p.m. to the rest of those affected. The latter group included the Topeka Rescue Mission shelter at 600 N. Kansas Ave. and its Hope Center, which houses women and families across the street from that shelter at 116 N.E. Curtis.

Rescue Mission executive director Barry Feaker said a record 253 people stayed Tuesday evening at the mission's two shelters, which can comfortably accommodate about 200.

He added that those shelters on Wednesday evening housed 250 people, including 70 children, which is at or near a record.

Feaker said the power outage began at a time when mission residents were finishing lunch and most of the children were away at an event involving Topeka Unified School District 501.

Feaker expressed appreciation that WIBW radio employees brought an electrical generator and fans to the mission during the outage, while other Topekans came with gifts of food and bottled water. He said mission residents and staff felt grateful that the outage didn't last very long.

Today was Topeka's fourth day out of five in which temperatures reached the century mark. Before this week, Topeka hadn't recorded a 100-degree day since August 2003, when temperatures hit that level on 10 days over an 11-day period.

TESTIMONY
OF
THE UNITED ILLUMINATING COMPANY

Regarding Raised Senate Bill 1128

**An Act Concerning Interruption of Telecommunications Service, Scrap Metal
Processors and Motor Vehicle Recyclers**

**JUDICIARY COMMITTEE
LEGISLATIVE OFFICE BUILDING
HARTFORD, CT**

MARCH 19, 2009

Good morning, Senator McDonald, Representative Lawlor and members of the Judiciary Committee. My name is Wendy Ardizzone and I am the Manager of Security Services for The United Illuminating Company (UI). Thank you for the opportunity to appear before you today to offer UI's comments regarding **Raised Senate Bill 1128 - An Act Concerning Interruption of Telecommunications Service, Scrap Metal Processors and Motor Vehicle Recyclers**

Raised Senate Bill 1128 would extend, to electric distribution companies, current requirements that are in place for the telecommunications industry for scrap metal processors to comply with state and local licensing and registration requirements; and allow law enforcement to enforce the same penalties currently in place for the telecommunications industry for this type of criminal activity.

UI supports Raised Senate Bill 1128 with the proposed modifications that extend the requirements currently in place on scrap metal processors to equipment, wires and cable that could be used for the transmission and distribution of electricity by electric distribution companies.

UI operations utilize copper as a critical part of the electric infrastructure. As a result of the increased price of copper, along with the worldwide problem of metal theft, theft of copper has increased nationwide to include Connecticut. Copper theft has increased to a level where the US Congress is considering two pieces of legislation to address this issue on a National basis (see attached). There have been many incidents of copper theft from electric utilities throughout the country, including instances where copper has been removed from live services and individuals have been injured and even killed in the process. Criminal activity related to the theft of copper places the thief in jeopardy of losing his/her life, it compromises the integrity of the flow of electricity, and it places our employees in grave risk of electrocution when cable is compromised or stolen from an energized facility. Some incidents in Connecticut include:

- Theft of copper cable from the Easter Seals sponsored "Fantasy of Lights", a holiday exhibit in New Haven (see attached article)
- Attempted theft of transformers from a substation in Litchfield (see attached article)
- Theft of copper cable and bushings from transformers in New Haven resulting in oil loss
- Theft of copper ground grid from substation yards
- Attempted theft of ground grid from a substation in New Haven
- Attempted theft of copper from transformers in New Haven
- Theft of copper wire from reporting site in New Haven
- Theft of copper wire from scrap bins and line trucks from an operations center in North Haven
- Theft of copper wire from a job site in Stratford
- Theft of copper ground wires at utility poles

We appreciate the Committee's consideration to take action before the situation becomes more critical. Relative to UI's sense of urgency is the fact that due to the current economic situation, this type of criminal activity will likely increase. Many of UI's thefts have occurred late at night at operations facilities where employees are on site working. It is not only a concern for our critical infrastructure; it is also a concern for our employees' safety. Raised Senate Bill 1128 can assist with closing the gap that currently enables those who engage in the theft of electrical copper wire and equipment to elude law enforcement.

The law should treat those engaged in the theft of scrap metal, and scrap metal processors the same for both the telecommunication industry and the electric industry. Today, individuals who are caught stealing wire, cable or other equipment used in the transmission and distribution of electricity by electric distribution companies are not charged with larceny in the second degree. Today, scrap metal processors are not held to the same standard for both the telecommunication and electric industries. The current process allows a criminal to steal copper wire, cable and equipment, jeopardize the electric infrastructure and sell the copper to a scrap metal processor at a lower risk of being caught and punished by law enforcement. The more stringent processes of identification and reporting included in Raised Senate Bill 1128 discourages this type of criminal activity because it increases the likelihood of apprehension by law enforcement. UI encourages the Judiciary Committee to extend the identification and reporting requirements applicable to scrap metal processors to the electric industry. We believe that the provisions of this bill will not impose additional requirements on scrap metal processors as they already have a process in place.

Conclusion:

UI supports Raised Senate Bill 1128. The increased demand and economic times have led to increased copper theft for quick sale. Copper is part of the electric industry's critical infrastructure; therefore, increased theft poses a risk to the transmission and distribution of electricity and the safety of our employees unknowingly working on facilities that may have been damaged by the theft. UI believes that by extending the requirements currently in place for the telecommunications industry to the electric industry, the legislation can improve the process by which copper sales are tracked, reduce theft of copper and increase the apprehension rate by law enforcement.

Thank you for this opportunity and I will try to answer any questions you may have.



Republican American

Tuesday
January
13, 2009
3:12 AM
ES

Thomaston man arrested after police said he tried to steal transformers

BY MEGAN BRODERICK | REPUBLICAN-AMERICAN

LITCHFIELD -- Police found a Thomaston man hiding under a blanket inside a Jeep at his home Monday after he fled into the woods from an officer who suspected he was trying to steal transformers from a CL&P station.

Thomaston police arrested Jay Crump, 19, of 55 Old Smith Road, and charged him with attempted larceny, interfering with an officer, possession of burglary tools, criminal trespass, engaging police in pursuit and several other charges.

An officer was conducting a routine check of the CL&P substation on Electric Avenue in Thomaston about 3 a.m. Monday when he spotted a white Mazda traveling the wrong way down the one-way street. The officer turned on his lights and siren, but the car sped off. He later spotted the car, wrecked on the side of the road with the front bumper ripped off, and saw a man run into the woods, according to court documents. The officer gave chase on foot, but lost his suspect.

At the substation, officers found a 200-pound transformer on top of a piece of wood that appeared to have been dragged through the snow, and a second transformer that had also been dragged, about 20 feet from where it belonged. They're each worth about \$1,600, and were likely targeted because of the copper inside, police said.

Police said the Mazda belongs to Crump's girlfriend, who told officers he had taken the car without her permission. When officers went to Crump's house, they found him in his hiding spot, according to the police report.

Judge Charles D. Gill set Crump's bond at \$50,000 Monday in Bantam Superior Court, citing Crump's addictions to cocaine, marijuana and alcohol, and the fact that he ran from the police.

Crump's case was continued to Feb. 10.

New Haven Register

Serving New Haven, CT



News > New Haven

Cable theft darkens Fantasy of Lights

Wednesday, November 12, 2008 5:34 AM EST

By Rachael Scarborough King, Register Staff

NEW HAVEN — The annual Fantasy of Lights at Lighthouse Point Park could shine a little less brightly this year, after someone stole thousands of dollars' worth of electrical cables from the display area Monday night.

The attraction is still scheduled to open Nov. 22, but about a dozen of the 68 light displays most likely will be dark at first, said Edwin V. Selden, director of development and external relations for Easter Seals Goodwill Industries, which sponsors the show as a fundraising effort.

Selden said workers who were "putting the finishing touches" on the exhibits discovered the theft Tuesday morning. About 1,400 feet of power cable and about 400 feet of feeder cable — worth \$8,000 to \$10,000 — were missing from the park's holiday lights.

Workers also found carts that had been used to move the cable from the exhibits to the park's entrance, which was locked to vehicles. Selden said that organizers do not hire security for the festival until it opens to the public, but may revise that policy in the future.

The theft was reported to police Tuesday. Sean Matteson, chief of staff for Mayor John DeStefano Jr., said the city has seen an increase in thefts of copper and other wire in recent months. He added that the New Haven Police Department is working to combat the problem.

"It's a real shame and it's a sign of the financial times we're in," Matteson said of the Fantasy of Lights theft.

The Fantasy of Lights will run from Nov. 22 to Dec. 31. Selden said he thinks it is unlikely that workers will be able to repair the damage from the thefts by opening day since it could take time to reorder the wire. Volunteers from the International Brotherhood of Electrical Workers were on the scene Tuesday to assess the loss. An estimated 100 volunteers from five trade organizations in the state donated the work to install the display.

"We do need to find cable to put the displays back together," Selden said. "Quite frankly I would hope that there is a good Samaritan out there who might have some cable that they could loan. It's not something that most electrical shops have in stock."

If no donations are forthcoming, Selden said Easter Seals Goodwill will reorder the wire.

While there has been some vandalism and theft at the Fantasy of Lights in the past, Selden said there has never been an incident of this magnitude.

The holiday tradition is in its 14th year and typically attracts between 12,000 and 15,000 carloads of people, Selden said. Groups drive through the lighted displays in what is thought to be the largest holiday light show in the state.

"This is a family fun night," Selden said. "It's a fundraiser for us and it's a community institution, and the revenues that we generate go to provide services to 1,000 clients that we serve annually, most of whom are mentally and physically challenged."

Easter Seals Goodwill Industries and PSEG Power Connecticut LLC are the event's main sponsors. The displays are open 5 to 9 p.m. Sunday through Thursday and 5 to 10 p.m. Fridays and Saturdays. The cost is \$10 for passenger cars, \$25 for 15-passenger vans or minibuses and \$50 for full-size buses.

To contact Easter Seals about donations for the exhibit, call 777-2000, ext. 262.

Rachael Scarborough King can be reached at rking@nhregister.com or 789-5742.

110TH CONGRESS
2D SESSION

H. R. 6831

To require certain metal recyclers to keep records of their transactions in order to deter individuals and enterprises engaged in theft and interstate fencing of stolen copper, and for other purposes

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2008

Mr. STUPAK (for himself and Mr. RAMSTAD) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To require certain metal recyclers to keep records of their transactions in order to deter individuals and enterprises engaged in theft and interstate fencing of stolen copper, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Copper Theft Preven-
5 tion Act of 2008".

6 SEC. 2. FINDINGS; PURPOSES.

7 (a) FINDINGS.—The Congress finds as follows:

1 (1) Since 2006, metal theft, particularly copper,
2 has been on the rise, largely due to a surge in the
3 global demand for scrap metal

4 (2) The price of copper has risen from \$2 per
5 pound in mid-2006 to more than \$4 per pound in
6 early 2008.

7 (3) Theft of copper is jeopardizing this Nation's
8 critical infrastructure, through theft of copper in
9 transportation, electrical, and telecommunications
10 networks.

11 (4) From January 2006 through March 2007,
12 270 copper thefts from electric utilities in 42 States
13 were reported.

14 (5) Many arrests of copper thieves show a
15 growing connection between the thefts and illegal
16 drug activity, particularly methamphetamines.

17 (6) The National Drug Intelligence Center's
18 2008 Threat Assessment shows a growing threat of
19 methamphetamine use, especially in the western
20 United States where increased incidents of copper
21 theft are occurring.

22 (7) Law enforcement officials have testified that
23 legislation will help combat methamphetamine prob-
24 lems, as metal theft has become a favored method

1 of raising money to satisfy methamphetamine addic-
2 tion.

3 (8) Thefts are on the rise due primarily because
4 of the lack of pressure on the scrap and salvage
5 yards that pay for copper and other precious metal
6 without asking questions about where the material
7 came from.

8 (9) Combating the problem will take better
9 communications between metal businesses and law
10 enforcement agencies.

11 (b) PURPOSES.—The purposes of this Act are as fol-
12 lows:

13 (1) To protect consumers, businesses, the Na-
14 tion's critical infrastructure, and State and local
15 governments from the problem of copper theft as
16 well as the related adverse health and safety risks it
17 creates.

18 (2) To allow legitimate transactions to continue
19 to take place by establishing a system of docu-
20 menting the transactions between the seller and the
21 buyer while addressing the growing problem of cop-
22 per theft that facilitates illegal drug use and other
23 crimes.

24 SEC. 3. REQUIREMENTS ON COPPER RECYCLERS.

25 (a) RECORDS.—

1 (1) IN GENERAL —A secondary copper recycler
2 shall maintain a legible record of all copper property
3 purchase transactions to which the secondary copper
4 recycler is a party. The record shall include all of
5 the following information:

6 (A) The name and address of the sec-
7 ondary copper recycler.

8 (B) The date of the transaction.

9 (C) The weight, quantity, or volume of
10 copper property purchased; the consideration
11 paid by the secondary copper recycler; and a de-
12 scription of the type of copper property pur-
13 chased in a purchase transaction, including a
14 general physical description (such as by describ-
15 ing the copper property as wire, tubing,
16 extrusions, or casting).

17 (D) The name and address of the person
18 delivering the copper property to the secondary
19 copper recycler.

20 (E) The distinctive number from a Federal
21 or State government-issued identification with a
22 photograph of the person delivering the copper
23 property to the secondary copper recycler, and
24 the type of such identification

1 (F) The license tag number, State of issue,
2 make, and model, if available, of the vehicle
3 used to deliver the copper property to the sec-
4 ondary copper recycler.

5 (2) REPEAT SELLERS.—In the case of a person
6 who sells copper property to the same secondary
7 copper recycler more than once, such secondary cop-
8 per recycler may comply with this subsection by
9 maintaining a record relating to such seller and in-
10 cluding in such record for subsequent transactions
11 only the information relating to such seller that has
12 changed.

13 (b) PROHIBITION AGAINST CERTAIN CASH TRANS-
14 ACTIONS —A secondary copper recycler shall not enter
15 into any cash transaction in excess of \$500 in payment
16 for the purchase of copper property. For any such pur-
17 chase—

18 (1) a secondary copper recycler shall make pay-
19 ment by check issued to the seller of the copper; and

20 (2) the check shall be payable to the name and
21 address of the seller or picked up in person by the
22 seller.

23 (c) MINIMUM PERIOD.—A secondary copper recycler
24 shall maintain or cause to be maintained the records re-

1 quired by subsection (a) for not less than 2 years from
2 the date of the purchase transaction.

3 (d) PENALTY.—

4 (1) CIVIL PENALTY.—A secondary copper recy-
5 cler who violates subsections (a), (b), or (c) shall be
6 liable to the United States for a civil penalty not to
7 exceed \$10,000.

8 (2) NO CRIMINAL LIABILITY —A violation of
9 subsection (a), (b), or (c) does not constitute a
10 crime, and a judgment for the United States and
11 imposition of a civil penalty pursuant to paragraph
12 (1) shall not give rise to any disability or legal dis-
13 advantage based on conviction for a criminal offense.

14 (e) DEFINITION.—As used in this Act, the term “sec-
15 ondary copper recycler” means any person who is engaged,
16 from a fixed location or otherwise, in the business of pay-
17 ing compensation for copper that has served its original
18 economic purpose, whether or not engaged in the business
19 of performing the manufacturing process by which copper
20 is converted into raw material products consisting of pre-
21 pared grades and having an existing or potential economic
22 value.

1 SEC. 4. RULE OF CONSTRUCTION REGARDING STATE AND
2 LOCAL GOVERNMENT REQUIREMENTS.

3 Nothing in this Act or the amendments made by this
4 Act shall be construed to prohibit a State or local govern-
5 ment from adopting requirements in addition to those set
6 forth in this Act and the amendments made by this Act
7 to govern the purchase of copper property by a secondary
8 copper recycler.

9 SEC. 5. PROTECTION OF PERSONAL INFORMATION.

10 A secondary copper recycler or the agent, employee,
11 or representative of a secondary copper recycler shall not
12 disclose personal information concerning a customer with-
13 out the customer's consent unless the disclosure is made
14 in response to a request from a law enforcement agency.
15 A secondary copper recycler shall implement reasonable
16 safeguards to protect the security of the personal informa-
17 tion required under section 3(a)(1) and prevent unauthor-
18 ized access to or disclosure of such information.

○

110TH CONGRESS
2D SESSION

S. 3666

To require certain metal recyclers to keep records of their transactions in order to deter individuals and enterprises engaged in theft and interstate fencing of stolen copper, and for other purposes

IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 17), 2008

Ms. KLOBUCHAR (for herself and Mr. LATCH) introduced the following bill, which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require certain metal recyclers to keep records of their transactions in order to deter individuals and enterprises engaged in theft and interstate fencing of stolen copper, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Copper Theft Preven-
5 tion Act of 2008".

6 SEC. 2. FINDINGS AND PURPOSES.

7 (a) FINDINGS.—Congress finds that—

1 (1) since 2006, metal theft, particularly the
2 theft of copper, has been on the rise, largely due to
3 a surge in the global demand for scrap metal,

4 (2) the price of copper has risen from \$2 per
5 pound in mid-2006 to more than \$4 per pound in
6 early 2008;

7 (3) theft of copper is jeopardizing the critical
8 infrastructure of the United States through theft of
9 the copper in transportation, electrical, and tele-
10 communications networks;

11 (4) from January 2006 through March 2007,
12 270 copper thefts from electric utilities in 42 States
13 were reported;

14 (5) many arrests of copper thieves show a grow-
15 ing connection between the thefts and illegal drug
16 activity, particularly activity relating to meth-
17 amphetamine;

18 (6) the 2008 Threat Assessment of the Na-
19 tional Drug Intelligence Center shows a growing
20 threat of methamphetamine use;

21 (7) law enforcement officials have testified that
22 legislation will help combat methamphetamine prob-
23 lems, as metal theft has become a favored method
24 of raising money to satisfy methamphetamine addic-
25 tion,

1 (8) copper thefts are increasing primarily be-
2 cause of the lack of pressure on the scrap and sal-
3 vage yards that pay for copper and other precious
4 metal without asking questions about the source of
5 the metal; and

6 (9) combating the problem of copper theft will
7 require improved communications between metal
8 businesses and law enforcement agencies

9 (b) PURPOSES.—The purposes of this Act are—

10 (1) to protect consumers, businesses, critical in-
11 frastructure, and State and local governments in the
12 United States from the problem of copper theft (in-
13 cluding any related adverse health and safety risks
14 caused by copper theft); and

15 (2) to permit legitimate transactions to con-
16 tinue to take place by establishing a system to docu-
17 ment metal transactions between sellers and buyers
18 while addressing the growing problem of copper
19 theft that facilitates illegal drug use and other
20 crimes.

21 SEC. 3. DEFINITION OF SECONDARY COPPER RECYCLER.

22 In this Act, the term “secondary copper recycler”
23 means any person that is engaged, from a fixed location
24 or otherwise, in the business of paying compensation for
25 copper that has served its original economic purpose, re-

1 regardless of whether the person is engaged in the business
2 of performing the manufacturing process by which copper
3 is converted into raw material products consisting of pre-
4 pared grades and having an existing or potential economic
5 value

6 SEC. 4. REQUIREMENTS ON COPPER RECYCLERS.

7 (a) RECORDS.—

8 (1) IN GENERAL.—A secondary copper recycler
9 shall maintain a legible record of all copper property
10 purchase transactions to which the secondary copper
11 recycler is a party that includes, for each trans-
12 action—

13 (A) the name and address of the secondary
14 copper recycler;

15 (B) the date of the transaction,

16 (C) the weight, quantity, or volume of cop-
17 per property purchased, including—

18 (i) the consideration paid by the sec-
19 ondary copper recycler; and

20 (ii) a description of the type of copper
21 property purchased in the purchase trans-
22 action, including a general physical de-
23 scription (such as by describing the copper
24 property as wire, tubing, extrusions, or
25 casting);

1 (D) the name and address of the person
2 delivering the copper property to the secondary
3 copper recycler,

4 (E) the distinctive number from a Federal
5 or State government-issued identification with a
6 photograph of the person delivering the copper
7 property to the secondary copper recycler, and
8 the type of the identification; and

9 (F) the license tag number, State of issue,
10 make, and model, if available, of the vehicle
11 used to deliver the copper property to the sec-
12 ondary copper recycler.

13 (2) REPEAT SELLERS.—In the case of a person
14 that sells copper property to the same secondary
15 copper recycler more than once, the secondary cop-
16 per recycler may comply with this subsection by—

17 (A) maintaining a record relating to the
18 seller; and

19 (B) including in the record for subsequent
20 transactions only the information relating to a
21 seller that has changed.

22 (3) MINIMUM PERIOD.—A secondary copper re-
23 cycler shall maintain or cause to be maintained the
24 records required by this subsection for not less than

1 1 year beginning on the date of the purchase trans-
2 action.

3 (b) PROHIBITION AGAINST CERTAIN CASH TRANS-
4 ACTIONS.—

5 (1) IN GENERAL.—A secondary copper recycler
6 shall not enter into any cash transaction in excess
7 of \$250 in payment for the purchase of copper prop-
8 erty.

9 (2) REQUIREMENTS.—For any purchase of cop-
10 per property in excess of \$250—

11 (A) a secondary copper recycler shall make
12 payment by check issued to the seller of the
13 copper property; and

14 (B) the check shall be payable to the name
15 and address of the seller or picked up in person
16 by the seller.

17 (c) PENALTY.—

18 (1) CIVIL PENALTY.—A secondary copper recy-
19 cler who violates subsection (a) or (b) shall be liable
20 to the United States for a civil penalty in an amount
21 not to exceed \$10,000.

22 (2) NO CRIMINAL LIABILITY.—Subject to sec-
23 tion 5, a violation of subsection (a) or (b)—

24 (A) shall not constitute a crime; and

1 (B) in the event of a judgment for the
2 United States and imposition of a civil penalty
3 pursuant to paragraph (1), shall not give rise to
4 any disability or legal disadvantage based on
5 conviction for a criminal offense.

6 SEC. 5. RULE OF CONSTRUCTION REGARDING STATE AND

7 LOCAL GOVERNMENT REQUIREMENTS.

8 Nothing in this Act prohibits a State or local govern-
9 ment from adopting any requirement in addition to the
10 requirements under this Act to govern the purchase of
11 copper property by a secondary copper recycler.

12 SEC. 6. PROTECTION OF PERSONAL INFORMATION.

13 (a) IN GENERAL.—A secondary copper recycler or
14 the agent, employee, or representative of a secondary cop-
15 per recycler shall not disclose personal information con-
16 cerning a customer obtained under this Act without the
17 consent of the customer unless the disclosure is made in
18 response to a request from a law enforcement agency.

19 (b) SAFEGUARDS.—A secondary copper recycler shall
20 implement reasonable safeguards—

21 (1) to protect the security of the personal infor-
22 mation required under section 4(a)(1), and

23 (2) to prevent unauthorized access to or disclo-
24 sure of that information.

○

March 19, 2009

Connecticut Legislative Office Building
300 Capital Avenue
Hartford, CT 06106

Testimony presented to the Judiciary Committee concerning raised bill 1128
An act concerning automotive recyclers:

Dear Committee members:

My name is Wayne Chagnot. I am the president for the Connecticut Automotive Recyclers association. This association represents the approximately 125 licensed automotive recyclers within Connecticut. I would to ask for your support of raised bill 1128, an act concerning automotive recyclers.

I have previously testified about the problems presented by unlicensed automotive recyclers and individuals who present themselves to the public as licensed recyclers. Under current Department of Motor Vehicles regulations these unlicensed recyclers are outside of the jurisdiction of the DMV. Raised bill 1128 corrects this situation. Under raised bill 1128 all individuals and entities that wish to recycle automobiles would have to be licensed by the DMV or risk being fined and put out of business by the DMV. The Connecticut Automotive Recyclers membership fully supports raised bill 1128.

I would also like to thank the committee and Senator Kissel for their help in bringing forth the current language of this bill.

I and the membership of the Connecticut Automotive Recyclers association ask that you please support raised bill 1128.

Thank You.

Wayne Chagnot

President
Connecticut Automotive Recyclers association
P.O. Box 71
Tolland, CT 06084

Members of the committee,

I would like to thank the committee and senator Kissel for helping Connecticut Auto Recycles to bring forth bill SB-1128. This bill will help the department of motor vehicles to have authority over unlicensed dismantlers advertising for automobiles, and should also help curtail environmental issues that could arise from uncaring and unscrupulous individuals operating unlicensed auto recycling facilities. As a licensed auto recycler for the past 28 years, I urge you to support this bill.

Thank you,

Stewart's Auto Parts,
Gary J. Stewart