



COPPER THEFT

by Jennifer Thomsen

As commodity metal prices have risen in recent years, so has the occurrence of metal theft. Commodity metals are metals containing brass, copper, copper alloy, aluminum, stainless steel, or magnesium or another metal traded on the commodity market. Due to high demand worldwide, particularly in developing nations such as China and India, a large percentage of metal thefts involve copper. Copper thieves are taking advantage of this high demand by stealing and selling copper for high profits. Construction sites, utility companies, and farmers have been hard hit by increasing incidents of copper theft. This issue brief provides an overview of Colorado law addressing the theft and sale of commodity metals such as copper.

Burglary, Robbery, or Theft of Metal

Several existing crimes may be applied to situations where metals such as copper are stolen. In Colorado, it is second degree burglary to enter a structure with the intent to steal something or to commit a crime against a person or property. Second degree burglary is a class 3 or class 4 felony, depending on the circumstances. A person who intentionally takes anything of value from the person or presence of another individual, using force, threats, or intimidation, commits robbery. Robbery is a class 4 felony. Theft occurs when an individual takes another's property without authorization and with the intent to deprive the owner of the property permanently.

Theft can be anywhere from a class 2 misdemeanor to a class 3 felony, depending on the value of the property stolen and the number of offenses committed within a specified time period. Table 1 explains the different levels of offenses for theft.

Table 1
Offense Levels for the Crime of Theft

Level of Offense	Value of Property	Other Circumstances
Class 2 misdemeanor	Less than \$500	Not applicable
Class 1 misdemeanor	\$500 to \$1,000	Not applicable
Class 5 felony	Regardless of the value	Theft from the person of another by means other than the use of force, threat, or intimidation
Class 4 felony	\$1,000 to \$20,000	Not applicable
Class 4 felony	\$1,000 to \$20,000	An individual commits theft twice or more during a six-month period and the aggregate value of the property is between \$1,000 and \$20,000
Class 3 felony	More than \$20,000	Not applicable
Class 3 felony	More than \$20,000	An individual commits theft twice or more during a six-month period and the aggregate value of the property is more than \$20,000

Purchases of Commodity Metals

Commodity metals are defined in state law as metals containing brass, copper, copper alloy, aluminum, stainless steel, or magnesium or another metal traded on the commodity market that sell for at least \$0.50 per pound. Colorado law requires individuals who purchase commodity metals to maintain a book or register that details all transactions involving commodity metals. The book or register must contain information about the identity of the seller and a signed statement regarding the source of the metals, and must be made available to any peace officer for inspection at any reasonable time.

The law specifies that the identity of metals sellers must be verified by one of the following:

- a valid Colorado driver's license or identification card;
- a valid driver's license from another state that contains a picture identification;
- a military identification card;
- a valid United States passport;
- an alien registration card; or
- a nonpicture identification document issued by a state or federal government entity if the purchaser obtains a clear imprint of the seller's right index finger or another finger if the right finger does not provide a clear imprint.

The book or register must contain:

- an affidavit, sworn and affirmed under penalty of law, provided by the purchaser and signed by the seller, affirming that the seller is the owner of the commodity metal or is otherwise entitled to sell the commodity metal;
- the license plate number and description of the vehicle or conveyance in which the commodity metal was delivered;
- the date and place of each purchase of commodity metal; and

- the description and quantity of the commodity metal purchased.

The following transactions and materials are exempt from the registry provisions:

- materials purchased from a public utility;
- materials purchased from an original manufacturer;
- recyclable food and beverage containers, except metal beer kegs;
- transactions between dealers or governmental entities; and
- a transaction involving less than 25 pounds purchased from a single seller in a single day.

Additionally, commodity metals purchased must be held separate from any other materials for at least five working days after they are purchased unless a digital photograph or a video recording is made of the transaction. The photograph or recording must be kept by the purchaser for at least 90 days after the transaction. Failing to maintain a proper book or register, providing false information for a book or register, or failing to hold commodity metals separate from other stock is:

- a class 2 misdemeanor if the value of the commodity metal is less than \$500; and
- a class 1 misdemeanor if the value of the commodity metal is \$500 or more.