

**House Bill 463 – Revising Law Related to Nonferrous Metal ~~#2~~**(Establishing Damages for Non-Ferrous & Precious Metals Theft) 3-6-13BILL NO. HB 463**History/Overview:**

Senate Bill 247, passed by the 2009 Montana legislature established record keeping requirements for recyclers purchasing non-ferrous (e.g. copper) and precious (e.g. catalytic converter) metals. Any purchase of \$50 or more must include a scan or copy of the seller's ID, a description of the vehicle and documentation of the purchased material.

House Bill 463 establishes that the damages caused by metals theft are based on the cost to restore the equipment or property to its previous condition. In many cases, the damage caused by this theft greatly exceeds the scrap or recycled metal price of the material stolen.

This bill builds upon the original legislation which created a tool for law enforcement, recyclers, and affected communities and businesses to address metals theft. HB 463 sets appropriate penalties consistent with other types of theft and recognizes the impact to public safety, private property, and community exceeds the raw value of the metal stolen.

***Proponents:**

Recycle Montana
NorthWestern Energy
Pacific Steel & Recycling
BNSF Railway Company
Montana Retail Association
Gilman Construction (Butte)
Montana Contractors Association
Montana Building Industry Association
Montana Telecommunication Association
Montana Electrical Cooperatives' Association

Opponents:

None!

Success of Current Law:

This January, a rash of metal thefts hit the Helena area. Eric Meredith, Helena Branch Manager for Pacific Steel and Recycling, was able to alert all of their branches [throughout our region](#) following a detailed letter by Mr. Wenger of Northside Welding & Fabrication. [The Helena Police Department](#) quickly opened a case file and filed an alert with [ScrapTheftAlert.com](#). When some of the stolen material showed up days later in Missoula, the records were in place to clearly identify the suspect and link him to the stolen materials. The arrest of the suspect in East Helena yielded additional material, likely to be connected to additional theft at a Montana Rail Link property and at a construction site in Helena. [\[More details here\]](#)

**From Hearing in House Business and Labor February 18, 2013.*

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Man arrested for \$23,000 in metal theft

JANUARY 25, 2013 1:22 PM • BY [SANJAY TALWANI INDEPENDENT RECORD](#)

An East Helena man with a record of theft was arrested Thursday on charges of stealing metal cables and other items worth more than \$23,000 from businesses in the area.

Police believe that in the last week Chester Charles Leatherberry, 55, stole copper welding cable worth more than \$1,500 from the worksite of the new Stockman's Bank branch and North Sanders Street and Custer Avenue; 2,900 feet of cable, worth \$20,000, from Northside Welding on Chestnut Street; four truck rims and other items from Helena Transmission Center on Chestnut Street; and cable worth more than \$1,500 from Montana Rail Link.

According to a police affidavit filed Friday in Justice Court, a recycler in Missoula notified police he had purchased 754 pounds of copper wire, 281 pounds of aluminum wire and 90 pounds of radiators from someone presenting himself, with ID, as Leatherberry. A picture from the location showed the man, along with a female, driving a 1999 Dodge Dakota pickup.

Police Thursday found Leatherberry at his home on the 3000 block of Lake Helena Drive driving such a truck with a spool of wire resembling the one reported missing from Montana Rail Link, according to the affidavit.

In Leatherberry's garage, the officer saw at least two pallets with piles of copper wire; and least 22 tire rims; and railroad cross-bracings and brackets.

Leatherberry has convictions for burglary or theft in Stillwater, Butte-Silver Bow and Yellowstone counties going back to 1996, according to Department of Corrections data.



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