

Ala. Code 1975, § 13A-8-31(b)

Failing to Maintain Record of Purchases of Metals

The Defendant is charged with failing to maintain record of purchases of metals.

A person commits the crime of failing to maintain record of purchases of metals if he/she is a secondary metals recycler and intentionally fails to maintain a legible record of all purchase transactions of ferrous or nonferrous metals to which the secondary metals recycler is a party, including all the required information, for not less than 1 year from the date of the purchase transaction.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant was a secondary metals recycler;
- (2) The defendant failed to maintain, for not less than 1 year from the date of the purchase transaction, a legible record of all purchase transactions of ferrous or nonferrous metals to which the secondary metals recycler was a party, including the following required information: **[Read appropriate part]**
 - a. The name and address of the secondary metals recycler;
 - b. The name or identification of the employee responsible for making the purchase on behalf of the secondary metals recycler;
 - c. The date and time of the transaction;
 - d. The weight, quantity, or volume and a description of the type of metal property purchased in a purchase transaction. The term "type of metal property" includes a general physical description, such as wire, tubing, extrusions, or casting;
 - e. The amount of consideration given in a purchase transaction for the metal property;
 - f. A signed statement from the person receiving consideration in the purchase transaction stating that he/she is the rightful owner of the metal property or is authorized to sell the metal property being sold;
 - g. The name and address of the person delivering the metal property to the secondary metals recycler;
 - h. A photocopy or scanned copy of the personal identification card of the person delivering the metal property to the secondary metals recycler, including the distinctive number from, and type of, the personal identification card of the person delivering the metal property to the secondary metals recycler;
 - i. The vehicle license tag number and state of issue, or the vehicle identification number if no vehicle license tag is available, and the type of vehicle used to deliver the metal property to the secondary metals

recycler. The term “type of vehicle” means an automobile, pickup truck, van, or truck; **(OR)**

- j. A digital photograph or video recording of the person delivering or receiving consideration for the metal property delivered to the secondary metals recycler in which the person's facial features are clearly visible and a photograph or video recording of the metal property as delivered or sold in which the type of metal property is identifiable. The time and date shall be digitally recorded on the photograph or video recording; **(AND)**

(3) The defendant did so intentionally.

A secondary metals recycler is any person, whether licensed or not licensed, who is engaged, from a fixed location or otherwise, in the business of paying compensation for ferrous or nonferrous metals, whether or not engaged in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value. **[Read as appropriate]:** The term does not include a pawnbroker licensed pursuant to Chapter 19A of Title 5, or a licensed automotive dismantler and parts recycler as defined in Section 40-12-410, unless the entities engage in the business of paying compensation for ferrous or nonferrous metals. [13A-8-30(9)]

Ferrous metals are metals containing significant quantities of iron or steel, excluding motor vehicles purchased in accordance with Section 32-8-87. **[Read as appropriate: Section 32-8-87].** [13A-8-30(1)]

Nonferrous metals are metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum other than aluminum cans, bronze, lead, zinc, nickel, stainless steel, and alloys thereof, including stainless steel beer kegs. [13A-8-30(4)]

Metal property is either ferrous or nonferrous metals. [13A-8-30(3)]

A person is an individual, partnership, corporation, joint venture, trust, association, or any other legal entity. [13A-8-30(5)]

A personal identification card is a driver’s license or identification card issued by the Department of Public Safety or a similar card issued by another state, a military identification card, a passport, or an appropriate work authorization issued by the U.S. Citizenship and Immigration Services of the Department of Homeland Security. [13A-8-30(6)]

A photograph is a still photographic image, including an image captured in digital format, which is of such quality that the persons and objects depicted are identifiable. [13A-8-30(7)]

A purchase transaction is a transaction in which a secondary metals recycler gives consideration in exchange for regulated metal property. [13A-8-30(8)]

A person acts *intentionally* with respect to a result or to conduct when his/her purpose is to cause that result or engage in that conduct. [13A-2-2(1)]

If you find that the State has proved beyond a reasonable doubt each of the elements of the offense of failing to maintain record of purchases of metals, then you shall find the Defendant guilty of failing to maintain record of purchases of metals.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense of failing to maintain record of purchases of metals, then you cannot find the defendant guilty of failing to maintain record of purchases of metals.

Use Notes

This article does not apply to purchases of metal property from certain persons.
[13A-8-35]

[Approved 3-23-15.]