

Ala. Code 1975, § 13A-8-31.2(a)

Failing to Register as a Secondary Metals Recycler

The Defendant is charged with failing to register as a secondary metals recycler.

A person commits the crime of failing to register as a secondary metals recycler if he/she is a secondary metals recycler and intentionally fails to register with the Alabama Criminal Justice Information Center or pay the annual registration fee of \$250 to the Alabama Criminal Justice Information Center.

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

- (1) The Defendant was a secondary metals recycler;
- (2) (a) The Defendant failed to register with the Alabama Criminal Justice Information Center; **(AND/OR)**

(b) The Defendant failed to pay the annual registration fee of \$250 to the Alabama Criminal Justice Information Center; **(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)]

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

Registration shall include the name of the business, address of the business, telephone number, and the name of the owner or owners of the business. [13A-8-31.2]

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 register as a secondary metals recycler, then you shall find the Defendant guilty of failing to register as a secondary metals recycler.

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 register as a secondary metals recycler, then you cannot find the defendant guilty of failing to register as a secondary metals recycler.

Use Notes

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

[Approved 3-23-15.]