

Ala. Code 1975, § 13A-8-31.1(c)

**Violating Payment and Purchase Limitations for Secondary Metals Recyclers
(Hours)**

The Defendant is charged with violating payment and purchase limitations for secondary metals recyclers (hours).

A person commits the crime of violating payment and purchase limitations for secondary metals recyclers (hours) if he/she is a secondary metals recycler and purchases metal property between the hours of 9:00 p.m. and 6:00 a.m.

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 purchased metal property between the hours of 9:00 p.m. and 6:00 a.m.; **(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)]

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

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 violating payment and purchase limitations for secondary metals recyclers (hours), then you shall find the Defendant guilty of violating payment and purchase limitations for secondary metals recyclers (hours).

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 violating payment and purchase limitations for secondary metals recyclers (hours), then you cannot find the defendant guilty of violating payment and purchase limitations for secondary metals recyclers (hours).

Use Notes

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

[Approved 3-23-15.]