

Ala. Code 1975, § 13A-8-31.2(b)

Failing to Report as a Secondary Metals Recycler

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

A person commits the crime of failing to report as a secondary metals recycler if he/she is a secondary metals recycler and intentionally fails to enter the information required into a database maintained by the Alabama Criminal Justice Information Center or transmit the information electronically to the database no later than 9:00 p.m. on the day 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) (a) The Defendant failed to enter the following required information into a database maintained by the Alabama Criminal Justice Information Center: **[Read as appropriate]**
 - i. The name and address of the secondary metals recycler;
 - ii. The date and time of the transaction;
 - iii. 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;
 - iv. The amount of consideration given in a purchase transaction for the metal property;
 - v. The name and address of the person delivering the metal property to the secondary metals recycler; **(AND/OR)**
 - vi. 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; **(AND/OR)**
- (b) The Defendant failed to transmit the following required information electronically to the database no later than 9:00 p.m. on the day of the purchase transaction: **[Read as appropriate]**
 - i. The name and address of the secondary metals recycler;
 - ii. The date and time of the transaction;
 - iii. 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;
- iv. The amount of consideration given in a purchase transaction for the metal property;
 - v. The name and address of the person delivering the metal property to the secondary metals recycler; **(AND/OR)**
 - vi. 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; **(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 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 report as a secondary metals recycler, then you shall find the Defendant guilty of failing to report 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 report as a secondary metals recycler, then you cannot find the defendant guilty of failing to report 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.]