



BILL NO.: Senate Bill 99

TITLE: Junk Dealers and Scrap Metal Processors – Required Records

POSITION: **SUPPORT WITH AMENDMENTS**

DATE: January 28, 2010

COMMITTEE: Finance

CONTACT: Andrea Mansfield

The Maryland Association of Counties (MACo) **SUPPORTS** Senate Bill 99 **WITH AMENDMENTS**. This bill would require junk dealers and scrap metal processors to keep complete electronic records of purchases of junk or scrap metal and transmit the electronic records to law enforcement daily. Additionally, the legislation will prohibit certain commonly stolen items from being purchased unless appropriate authorization is provided. It is designed to target the rampant theft and vandalism occurring in many Maryland jurisdictions, motivated by the ability to turn in recovered metal items for cash payments. However, the bill pre-empts the counties' prerogative to enact local legislation, potentially upending substantial progress made while the General Assembly has been unable to resolve this issue.

MACo has worked closely with the sponsors and the law enforcement community over the past two years to strengthen regulation in this area on a statewide basis. When statewide legislation did not pass, Baltimore City and Baltimore County worked within their jurisdictions to enact local legislation to combat this problem. Each jurisdiction has tailored legislation to meet the specific needs in its jurisdiction. Although MACo agrees that effective statewide legislation remains the preferable means to regulate the industry and ensure information is shared on a timely basis to assist with law enforcement efforts, it does not support the statewide law superseding local efforts. These efforts should work in tandem to combat this problem – with the State law providing a “floor” rather than a “ceiling.” Therefore, MACo suggests the Committee strike the language on page 7 of the bill, in lines 1 through 6, and replace it with language that appeared in last year's introduced legislation (SB 32) to explicitly enable a local jurisdiction's own law that goes beyond the State's level of enforcement.

In addition, this legislation has been changed from last year and it no longer provides the same level of enforcement. The identification of the seller of the scrap metal does not need to be reported and businesses are exempt from the reporting requirements. These items are essential for law enforcement to effectively investigate crimes involving junk and scrap metal. To address these issues, MACo supports the amendments offered by Baltimore City to strengthen this bill.

Maryland is facing a disturbing trend of property crimes and theft tracing back to the availability of “easy money” for metal objects. To effectively combat this problem, local jurisdictions need the flexibility to create programs to meet their needs and the reporting requirements need to have teeth.

For this reason, MACo **SUPPORTS SB 99 WITH AMENDMENTS** and urges a favorable report with (1) a non-preemption clause replacing the current local pre-emption, and (2) stronger enforcement language such as the amendments proposed by Baltimore City. However, without amendments eliminating the pre-emption of local laws, the passage of a statewide approach that undercuts local measures would be a step backward, not forward, and should not be supported.