

CHAPTER 81

(HB 82)

AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 365.250 is amended to read as follows:

- (1) Every dealer in junk or metals, dealer in secondhand articles, vendor of bottles or rags, or collector of or dealer in articles found in ashes, garbage or other refuse, whether such dealers, collectors or vendors have established places of business or operate a business of an itinerant nature, shall keep a register, which shall contain the name of the persons from whom any **copper metal**, copper wire, or **copper** cable is purchased, whatever may be the condition, ~~or~~ length, **or weight** of such **copper metal**, copper wire, or **copper** cable, the residence or place of business of such persons and a full description of each purchase including the quantity by weight thereof. Each of such dealers, collectors or vendors shall permit any peace officer to inspect the register at any reasonable time. **Each of such dealers, collectors or vendors shall make a report containing the information required to be maintained in the register provided in this subsection in person, in writing, or by electronic means within twenty-four (24) hours of the transaction to:**
 - (a) **The sheriff of the county in which the purchase was made and the sheriff of the county in which the business is located; and**
 - (b) **When the purchase was made in a city, county, urban-county, charter county, or consolidated local government, to the police department of the city, urban-county, charter county or consolidated local government in which the purchase was made to the police department of the city, county, urban-county, charter county, or consolidated local government in which the business is located, unless there is no police department in that jurisdiction**~~and shall report to the sheriff of the county in which any purchase is made and to the sheriff of the county in which his business is located all of such purchases within twenty four (24) hours thereafter; the report shall contain all of the information required to be maintained in the register provided for herein.~~
- (2) Failure to maintain the register or to report to the sheriff **and police department** as required in subsection (1) **of this section** shall be prima facie evidence that the person receiving **the copper metal**, copper wire, or **copper** cable not registered or reported, received it knowing it to be stolen in violation of KRS 514.110.

~~[(3) In the event the purchase is made or the business is located in a city of the first or second class the reports required hereby shall be made to the police departments of such cities instead of the respective sheriffs.]~~

Section 2. KRS 365.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 365.015 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days nor more than thirty (30) days, or both, and each day that the violation continues shall constitute a separate offense.
- (2) Any person who violates any of the provisions of KRS 365.020 to 365.050 shall, for each offense, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or imprisoned for not more than six (6) months, or both. Any person who, as agent of any person or as director, officer or agent of any corporation assists or aids in a violation of any of such provisions by the person or corporation for which he is director, officer or agent, shall be responsible therefor equally with such person or corporation, and in a prosecution brought by the local Commonwealth attorney against him under this subsection it shall be sufficient to allege and prove the unlawful intent of the person or corporation for whom he acts.
- (3) Any person who violates any of the provisions of KRS 365.100 shall be fined not less than two hundred dollars (\$200) for each offense.
- (4) Any person who violates any of the provisions of KRS 365.110 shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each offense.
- (5) Any agent or employee of a corporation or any other person who violates any of the provisions of subsection (2) of KRS 365.220 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense, and each day's continuance of the violation shall constitute a separate offense.
- (6) A conviction of a corporation of violating any of the provisions of KRS 365.210 or 365.220 shall operate to forfeit its charter or right to do business in this state. Proceedings may be instituted by the Commonwealth's

attorney in any district in this state to forfeit the charter or right to do business in this state of any corporation violating any of the provisions of KRS 365.210 or 365.220, and to subject the corporation charged, if found guilty, to the penalty imposed in subsection (7) of this section.

- (7) Any company that violates any of the provisions of KRS 365.230 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and if it is a corporation it shall, upon conviction, forfeit its charter.
- (8) Failure to maintain the register or to make the report to the sheriff *and police department* as required by KRS 365.250 shall be a misdemeanor punishable by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than thirty (30) days, or both, and shall be prima facie evidence that such dealer, collector or vendor received the used *copper metal*, copper wire, or *copper* cable not registered or reported, knowing it to be stolen in violation of KRS 514.110.
- (9) Any person or entity that transacts a transient business as defined in KRS 365.650 without first having obtained a permit in accordance with the provisions of KRS 365.660, 365.665, 365.680 or 365.685 or who knowingly advertises, offers for sale, or sells any goods, wares or merchandise in violation of the provisions of KRS 365.650 to 365.695, is guilty of a misdemeanor and shall, upon conviction, be fined not more than five hundred dollars (\$500) or shall be imprisoned in the county jail for not more than six (6) months, or both.

Approved March 23, 2007.