

CONCURRENCE IN SENATE AMENDMENTS

AB 1941 (Mark González)

As Amended August 18, 2026

Majority vote

SUMMARY

Creates new crimes of organized metal theft.

Senate Amendments

- 1) Specify, for the purpose of determining if the defendant acted in concert with another person, that evidence that a licensed scrap recycler purchased metal materials for resale in the ordinary course of business shall not, by itself, establish that the recycler acted in concert with another person or persons.
- 2) Specify that competent evidence that may be considered for the purpose of determining if the defendant acted in concert with another person includes property consisting of metal materials bearing markings, tags, or other identifying characteristics of a telecommunications provider, railroad, public utility, or public entity engaged in furnishing public utility service that is intended for resale.
- 3) Remove a provision of the bill authorizing law enforcement agencies, public agencies, and private agencies, as specified, to provide information about theft of commodity metals, as specified, to the Department of Justice (DOJ), and requiring the DOJ to make this information available to such local law enforcement agencies, public agencies, and private entities.

COMMENTS

As Passed by the Assembly, this bill: Created new crimes of metal theft.

Major Provisions:

- 1) Made a person who commits any of the following acts guilty of organized metal theft:
 - a) Acts in concert with one or more people to steal metal materials from wire, cable, copper, lead, solder, mercury, iron or brass which a person knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water, electric light company, or a county or city engaged in furnishing public utility service, as specified, or from items owned or previously owned by a public agency, city, county, special district, or private utility, as specified, including a fire hydrant, fire department connection, maintenance hole cover or lid, backflow device or connection, or reasonably recognizable street light, traffic signal, and their reasonably recognizable related equipment (hereafter, "specified utility metal materials,") with the intent to sell, exchange, or return the metal materials for value.
 - b) Acts in concert with two or more persons to receive, purchase, or possess specified utility metal materials knowing or believing it to have been stolen.

- c) Acts as an agent of another individual or group of individuals to steal specified utility metal materials as part of an organized plan to commit metal theft.
 - d) Recruits, coordinates, organizes, supervises, directs, manages, or finances another to undertake any of the acts described above or acts described in any other statute defining theft of metal, except for the conduct of acting as an agent to steal specified utility metal materials.
- 2) Punished organized metal theft as follows:
- a) If any of the above violations, except for recruiting, organizing, or financing another to undertake specified organized metal theft acts, are committed on two or more separate occasions within a 12-month period, and if the aggregated value of the metal stolen, received, purchased, or possessed within that 12-month period exceeds \$950, the offense is punishable as an alternate-felony misdemeanor (wobbler) by imprisonment in a county jail not exceeding one year or by imprisonment for 16 months, or two or three years.
 - b) Any other violation that is not described in the immediately preceding paragraph, except for recruiting, organizing, or financing another to undertake specified organized metal theft acts, is punishable by imprisonment in a county jail not exceeding one year.
 - c) A violation of recruiting, organizing, or financing another to undertake specified organized metal theft acts, as specified, is punishable as a wobbler by imprisonment in a county jail not exceeding one year or as a jail-eligible felony by imprisonment for 16 months, or two or three years.
- 3) Provided that for the purpose of determining if the defendant acted in concert with another person, the trier of fact may consider any competent evidence, including, but not limited to:
- a) The defendant has previously acted in concert with another person in committing acts constituting theft, or any related offense, including any conduct that occurred in counties other than the county of the current offense, if relevant to demonstrate a fact other than the defendant's disposition to commit the act.
 - b) That the defendant used or possessed an artifice, instrument, container, device, or other article capable of facilitating the removal of metal from specified utility metal materials without permission or authorization, and the use of the artifice, instrument, container, or device, or other article is part of an organized plan to commit metal theft.
 - c) The property involved in the offense is of a type or quantity that would not normally be collected or purchased for personal use, and the property is intended for resale.
- 4) Prohibited, in a prosecution under this bill, a prosecutor from being required to charge any other co-participant of the organized metal theft.
- 5) Provided that this bill does not preclude or prohibit prosecution for vandalism or the charging of specified sentence enhancements.
- 6) Authorized local law enforcement agencies, public agencies, and private entities, including, but not limited to, telecommunication companies, recycling companies, and private utility

companies, to provide information about theft of commodity metals, including, but not limited to, ferrous metal, copper, brass, aluminum, nickel, stainless steel, and alloys, to the Department of Justice (DOJ), and requires the DOJ make this information available to such local law enforcement agencies, public agencies, and private entities.

According to the Author

According to the author, "Copper wire theft continues to plague communities across the state—leaving neighborhoods in the dark, draining taxpayer resources, and creating significant public safety hazards.

"Copper wire theft is not a victimless crime, it is a crime that leaves Abuelitas without power for A/C or heat, brings our public transportation to a halt, blackouts phone service to rural community members, and leaves our neighborhoods in the dark. AB 1941 sends a clear message. If you treat our neighborhoods as salvage, if you destroy our infrastructure for some quick cash, if you endanger our community with these senseless crimes, there will be consequences."

Arguments in Support

According to the *California Broadband and Video Association and US-Telecom*, "[t]he rising market value of copper, which is used in many communications facilities, has created a powerful incentive for criminal theft and vandalism targeting communications and other infrastructure across California. Bad actors steal copper and related communications equipment for resale—in the indiscriminate search for copper, they also sabotage modern communications facilities that may contain little or no copper, including fiber-optic transmission lines, underground vaults, and wireless communications sites. These attacks can cause widespread outages, disrupt emergency communications, and jeopardize public safety.

"As documented in the Critical Attacks on Communications Infrastructure report, organized metal theft is no longer a nuisance crime – it is a direct threat to public safety. Between January and June 2025, communications companies across the country reported 9,770 incidents of intentional theft and/or vandalism targeting their infrastructure. California accounted for 6,003 incidents, representing 61% of all recorded intentional theft or vandalism incidents nationwide.

"AB 1941 builds upon previous efforts to tackle copper wire theft by establishing a new tool of "organized metal theft", allowing prosecutors to bring enhanced charges for coordinated or repeated thefts. The bill also supports improved information sharing among law enforcement agencies, public agencies, and private entities such as telecommunication companies and junk dealers and recyclers through a statewide database to help identify patterns, connect cases, and dismantle theft rings.

"These incidents of theft and vandalism have become increasingly common and cause unnecessary service disruptions that threaten California consumers and businesses. AB 1941 gives California added tools needed to stop coordinated theft rings that cut off 911 access, disrupt essential services, and endanger communities."

Arguments in Opposition

According to *Californians United for a Responsible Budget*, "Metal theft, by an individual or a group, is already criminalized under existing law. Under the general grand theft statute, any theft of materials whose value exceeds \$950 is punishable up to a year in prison. Theft of less than

\$950 in materials would lead to a petty theft charge, carrying up to six months of incarcerations and \$1000 fine. If multiple petty thefts occur in line with one intention, impulse, or plan, the thefts may be aggregated into a grand theft charge. When this theft is in concert with others, each individual faces the full punishment available under the relevant statute for aiding and abetting the crime. This addition is unnecessary and redundant given current law.

"AB 1941's increased punishment schemes for group theft of metals will not deter crime. AB 1941 would double the maximum punishment for certain misdemeanors, ratchet up certain misdemeanors into potential felonies, and create a 12-month-long aggregation window for grand theft of metals. Evidence indicates that applying longer criminal sentences has failed to deter crime. Other studies demonstrate that the severity of punishment does not generally have an increased effect on deterrence. Rather, studies have concluded that certainty of punishment, that someone will be punished for a particular crime, has a greater deterrence effect than the severity of the punishment itself.

"Finally, local officials are already identifying non-carceral solutions to copper metal theft. Los Angeles city Councilmember Eunisses Hernandez has invested \$500,000 from her discretionary fund to have solar-powered lights installed in Lincoln Heights and Cypress Park to keep the neighborhoods bright and prevent copper wire theft."

FISCAL COMMENTS

According to the Senate Committee Appropriations, "Unknown costs to the counties to incarcerate if a sentence of 16 months, two years or three years is imposed. The average annual cost to incarcerate one person in county jail is approximately \$78,000. In 2021 Los Angeles County budgeted \$1.3 billion for jail costs with \$90,000 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

"Unknown, potentially significant costs to the courts to adjudicate new penalties depending on many unknowns, including the numbers of people charged and the factors unique to each case. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The fiscal year (FY) 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund)."

VOTES:

ASM PUBLIC SAFETY: 8-0-1

YES: Schultz, Alanis, Mark González, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins
ABS, ABST OR NV: Haney

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 71-0-9

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hoover, Irwin, Jackson, Johnson, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Bonta, Chen, Gabriel, Hart, Kalra, Celeste Rodriguez, Ta, Wicks

UPDATED

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