Date of Hearing: June 30, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 1266 (Stern) – As Amended May 18, 2026

SUMMARY: Changes how copper is to be valued in a copper theft case. Specifically, **this bill**: requires that for the crime of grand theft of copper, "value" shall be calculated as the full cost to the victim to repair and replace the stolen copper materials, including labor and equipment, rather than the fair market scrap value.

EXISTING LAW:

1) Defines "junk" to mean all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, including any secondhand and used furniture, pallets, or other personal property, other than livestock or parts or portions thereof. (Bus. & Prof. Code, § 21600.)

2) States scrap metals and alloys includes but is not limited to materials and equipment commonly used in construction, electrical power generation, railroad equipment, and nonferrous materials, which are offered for sale to any junk dealer or recycler, but does not include scrap iron, household generated waste, or aluminum beverage containers, as specified. (Bus. & Prof. Code, § 21600.)

3) States that every person who feloniously steals, takes, carries, leads, or drives away the personal property of another, or who fraudulently appropriates property which has been entrusted to them, or who knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor or real or personal property, is guilty of theft, and divides theft into two degrees, petty theft and grand theft. (Pen. Code §§ 484, subd. (a), 486.)

4) Punishes petty theft as a misdemeanor, punishable by fine not exceeding $1,000, or by imprisonment in the county jail not exceeding six months, or both. (Pen. Code, § 490.)

5) Defines "grand theft" as theft of money, labor, real or personal property of a value exceeding $950, and punishes grand theft as a "wobbler" – subject to imprisonment in county jail not exceeding one year, or by imprisonment in county jail for 16 months, two years, or three years (Pen. Code, §§ 487, 489.)

6) Makes it a crime to buy or receive stolen property, and provides that if the value of the property is less than $950, the offense is a misdemeanor punishable by imprisonment in county jail for one year, but if the value of the property is over $950, the offense is punishable as an alternate misdemeanor-felony (wobbler) – subject to imprisonment in a county jail not exceeding one year, or by imprisonment in county jail for 16 months, two years, or three years (Pen. Code, §§ 487, 489, 496.)

7) Provides that every person who is a dealer in or collector of junk, metals, or secondhand materials, or the agent, employee, or representative of such dealer or collector, and who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass which he or she knows or reasonably should know is ordinarily used by, or ordinarily belongs, to a railroad or other transportation, telephone, telegraph, gas, water, or electric light company, or a county, city, city and county, or other political subdivision of this state engaged in furnishing public utility service, without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property. This crime is punishable as an alternate felony-misdemeanor, also known as a "wobbler." (Pen. Code, § 496a, subd. (a).)

8) Makes it a wobbler, punishable by a fine not exceeding $2,500 or imprisonment in a county jail not exceeding one year, or by 16 months, or two, or three years in county jail, and a $10,000 fine, for any person to steal, carry, or take away copper materials of another, including, but not limited to, copper wire, copper cable, copper tubing and copper piping, which are of a value exceeding $950. (Pen. Code, § 487j.)

9) Provides that a person who has two or more prior convictions for specified theft offenses and who is convicted of petty theft or shoplifting, is punishable by imprisonment in county jail for up to one year, or by 16 months, or two or three years, and makes a second or subsequent conviction of petty theft with two priors punishable by imprisonment in the county jail not exceeding one year or by imprisonment in state prison. (Pen. Code, § 666.1, subd. (a).)

10) Allows that in any case involving one or more acts of theft the value of property stolen may be aggregated into a single count or charge, with the sum of the value of all property being the value considered in determining the degree of theft. (Pen. Code, § 490.3)

11) Provides that if a person takes, damages, or destroys property in the commission or attempted commission of a felony, as specified, the court shall impose an additional and consecutive term of imprisonment, as follows:

    a. If the loss or property value exceeds $50,000, the court shall impose an additional term of one year.

    b. If the loss or property value exceeds $200,000, the court shall impose an additional term of two years.

    c. If the loss or property value exceeds $1,000,000, the court shall impose an additional term of three years.

    d. If the loss or property value exceeds $3,000,000, the court shall impose an additional term of four years.

    e. For each additional loss or property value of $3,000,000, the court shall impose a term of one year in addition to the term specified immediately above. (Pen. Code, § 12022.6, subd. (a).)

12) Provides that in an accusatory pleading involving multiple charges of taking, damage, or destruction, or multiple violations of the receiving stolen property statute, the additional terms provided in the provision above may be imposed if the aggregate losses to the victims

or aggregate property values from all felonies exceed the amounts specified in this above and arise from a common scheme or plan. (Pen. Code, § 12022.6, subd. (b).)

13) Makes it a wobbler, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $1,000, or by both that imprisonment and fine, or by imprisonment in a county jail for 16 months, two years, or three years, for any person who unlawfully and maliciously takes down, removes, injures, disconnects, cuts, or obstructs a line of telegraph, telephone, or cable television, or any line used to conduct electricity. (Pen. Code, § 591.)

14) States that every person who maliciously damages or destroys the real or personal property of another is guilty of vandalism. (Pen. Code, § 594, subd. (a).)

15) Makes it a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine of not more than $1,000, or by both that fine and imprisonment, for every person guilty of vandalism if the amount damaged is less than $400, but if the amount damaged is $400 or more, it is a wobbler offense. (Pen. Code, § 594, subd. (b).)

16) Provides that for the purposes of Section 594, "damages" includes damage caused to public transit property and facilities, and public utilities and water property facilities, in the course of stealing or attempting to steal nonferrous material, as defined. (Pen. Code, § 594.05.)

17) Provides that any person who willfully and maliciously does any injury to telegraph or telephone or electric power or gas property is liable to the corporation for three times the amount of actual damages sustained thereby. (Pub. Util. Code, § 7951.)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Sponsor:** Author-Sponsored

2) **Author's statement:** "SB 1266 strengthens protections for both public and private infrastructure by closing the gap between scrap value and real-world impact by ensuring our legal framework reflects the true cost of infrastructure damage, including full repair, replacement, and service restoration, giving law enforcement and prosecutors the tools they need to respond proportionately and deter future harm before it disrupts the services our communities rely on. These services include street lights, public schools, libraries, public charging systems and telecommunication networks."

3) **Metal Theft:** According to a white paper from the Internet & Television Association (NCTA) and other entities in the U.S. wireless communications industry, crimes related to copper theft not only disrupt essential services, but they also impose millions of dollars in repair costs, and endanger public safety by threatening emergency communications, hospitals, airports, military installations, and other public safety institutions. [1]

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[1] NCTA, CTIA, U.S. Telecom, and WIA, "Protecting The Nation's Critical Communications Infrastructure From Theft & Vandalism – Fall ," Broadband Breakfast, white paper, <https://broadbandbreakfast.com/protecting-the-nations-critical-communications-infrastructure-from-theft-vandalism-fall-2025-2/?submissionGuid=89682ec3-87ff-4da9-b474-92b97c96b3d8>.

AT&T has stated that as a company, it experienced "more than 10,400 copper theft incidents, with a weekly average of 200 incidents reported nationwide at the end of 2025," and that losses for 2025 exceeded $82 million. The company also noted that "in California alone, we are experienced more than 7,300 copper theft incidents in 2025, with losses exceeding $54 million."[2]

In June 2025, California's Attorney General addressed mental theft with a bulletin to California law enforcement noting the spike in metal theft and detailing relevant criminal statutes applicable to the theft of copper wire; the receipt, purchase, and sale of stolen copper wire; and statutes related to junk dealers and recyclers' obligations to collect and report certain information related to the receipt, purchase, and sale of copper wire.[3]

4) **Proposition 47:** In November of 2014, Proposition 47 was approved by the voters, and reclassified certain nonviolent property and drug crimes from felonies to misdemeanors. Specifically, Proposition 47 provided that various theft-related offenses for which the value of the property does not exceed $950 are generally punished as misdemeanors. Proposition 47 additionally allowed certain offenders who had previously been convicted of such crimes to petition for resentencing.

5) **Changing how theft is valued:** This bill provides that the value of copper materials in a copper theft case shall be calculated as the full cost to the victim to repair and replace the stolen material including labor and equipment, rather than the fair market scrap value. As noted in the author's background information, the scrap cost of copper wire may not be high but the repairs to fix the damage caused by removing wire can be excessive.

6) **Argument in support:** According to the *League of California Cities*, "Metal theft has become a costly issue for cities across California and the nation, severely impacting critical infrastructure components such as streetlights, fire hydrants and fire department connections, manhole covers, electric vehicle (EV) charging stations, and backflow prevention devices. Thieves often target these public assets due to the high value of precious metal, specifically copper, leaving behind significant damage that endangers public safety and imposes burdensome repair costs on local governments and businesses.

   "Local governments are not the only entity plagued by this issue. Telecommunication companies are also facing the devastating consequences of metal theft crime. AT&T reported 2,200 separate incidents of copper wire theft in 2024, more than a 3000% increase since 2021. They have also spent millions on copper wire theft repairs due to theft and vandalism to their network.

   "SB 1266 would help restore some of the damage done from metal theft by allowing for infrastructure cost recovery of the actual value and labor it takes to repair stolen metal. This

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[2] Rahdeese Alcutt, lead investigator, AT&T Global Security, "Copper Theft – What We're Missing," AT&T, blog, https://about.att.com/blogs/2026/copper-theft.html?source=EC00EM0000000000E&wtExtndSource=04032026&wtExtndSource=04032026

[3] California Attorney General, *State Statutes Applicable to Copper Wire Theft*, Information Bulletin No. 2025-DLE-12 (Jun. 5, 2025) <https://oag.ca.gov/system/files/media/2025-dle-12.pdf>.

change would make more copper thefts exceed the $950 threshold and thus increase the eligibility for a felony charge.

"The financial burden of repairing and replacing stolen infrastructure components falls on taxpayers, utility providers, and municipalities, draining resources that could otherwise be used for community development and essential services This bill would shift the financial burden onto those causing the damage, rather than those left to pick up the pieces."

7) **Argument in opposition:** According to the *Vera Institute of Justice*, "Copper metal theft, by an individual or a group, is already criminalized under existing law. Under the copper theft statute, any theft of copper materials whose value exceeds $950 is punishable up to three years in prison and a fine of $10,000. Theft of less than $950 in materials is punishable as a misdemeanor carrying up to six months of incarcerations and $1000 fine. If multiple misdemeanor 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, everyone faces the full punishment available under the relevant statute for aiding and abetting the crime. The circumstances that motivate SB 1266 are already criminalized by existing law.

   "SB 1266's use of "cost of replacement" to determine how a theft should be categorized will lead to nearly every copper theft being prosecuted as a felony, with no benefit to public safety. For example, last year, individuals stole $11,000 of copper from a bridge in LA and the city estimated that the repairs would cost $2.5 million, a ratio of nearly 250:1. Assuming a similar ratio applies to lower-level thefts, prosecutors may argue that any theft of more than four dollars' worth of copper should be punished as a felony. To the extent that SB 1266 will increase existing criminal punishments, the bill goes against existing research which demonstrates that increased sentences do not deter or prevent crime.

   "In addition to not improving public safety, the Legislature cannot ignore the fiscal cost of increased incarceration. For example, incarcerating a person for one year in Los Angeles County Jail costs approximately $90,000. If a person is sentenced to three years of incarceration for felony copper theft under SB 1266 instead of a six-month misdemeanor petty theft sentence under current law, this will cost LA County $225,000.

   "Instead of throwing millions of dollars into ineffective carceral approaches, the Legislature should invest in increased oversight over the recycling companies making a profit from stolen copper in order to tamper down the illegal market driving these thefts."

8) **Related Legislation:** AB 1941 (M. Gonzalez) focuses on repeat and organized offenders who steal, or traffic prohibited metal materials. AB 1941 has been referred to the Senate Public Safety Committee.

9) **Prior Legislation:**

   a) AB 476 (M.González), Chapter 694, Statutes of 2025, put dealers and recyclers buying various scrap metal items to keep additional records.

   b) AB 1218 (Soria), of the 2025-2026 Legislative Session, would have made it a crime to possess copper materials which are a value in excess of $950, without proof of lawful possession, among other changes. AB 1218 died in the Assembly Public Safety Committee.

c) SB 1387 (Berryhill), Chapter 656, Statutes of 2012, this bill prohibits junk dealers and recyclers from possessing fire hydrants, manhole covers or backflow devices without proper certification, as specified; and provides that possession of stolen fire hydrants, manhole covers or backflow devices by persons engaged in the salvage, recycling, purchase or sale of scrap metal, shall be punishable by an additional fine up to $3000.

d) AB 1971 (Buchana), Chapter 82, Statutes of 2012, increases the maximum fine for junk and second-hand dealers who knowingly purchase metals used in transportation or public utility services without due diligence from $250 to $1,000, among other changes.

e) AB 316 (Carter), Chapter 317, Statutes of 2011, creates a separate section for grand theft of copper materials and adds a fine of up to $2,500 on to the existing penalties as specified.

f) SB 447 (Maldonado), Chapter 732, Statutes of 2009, assists local law enforcement officials in quickly investigating stolen metal and apprehending thieves by requiring scrap metal dealers and recyclers to report what materials are being scraped at their facilities and by whom on a daily basis. These rules already apply to pawn shop dealers.

g) SB 691 (Calderon), Chapter 720, Statutes of 2009, requires junk dealers and recyclers to take thumbprints of individuals selling copper, copper alloys, aluminum and stainless steel. Sellers must also show a government identification (ID) and proof of their current address. Recyclers who violate the law face suspension or revocation of their business license and increased fines and jail time.

h) AB 1859 (Adams), Chapter 659, Statutes of 2008, creates a fine of not more than $3,000 for any person who knowingly receives any part of a fire hydrant, including bronze or brass fittings and parts.

i) AB 844 (Berryhill), Chapter 731, Statutes of 2009, requires recyclers to hold payment for three days, check a photo ID and take a thumbprint of anyone selling scrap metals. AB 844 also requires any person convicted of metal theft to pay restitution for the materials stolen and for any collateral damage caused during the theft.

j) AB 2724 (Benoit), of the 2007-2008 Legislative Session, required any person convicted of grand theft involving the theft of wire, cable, copper, lead, solder, mercury, iron or brass of a kind ordinarily used by, or that ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water, or electric light company or county, city, city and county, or other political subdivision of this state engaged in furnishing public utility service, or farm, ranch or industrial facility or other commercial or residential building, to pay a fine of $100 for a first offense and $200 for any subsequent offense. AB 2724 failed passage in the Senate Committee on Public Safety.

REGISTERED SUPPORT / OPPOSITION:

Support

At&t
Audobon California
California Contract Cities Association
California District Attorneys Association
California Municipal Utilities Association
California Police Chiefs Association
California Water Association
City of Norwalk
City of Pico Rivera
City of Roseville
CTIA
Electrify America, LLC
League of California Cities
Los Angeles Council Member Adrin Nazarian
Los Angeles County District Attorney's Office
National Audubon Society
Peace Officers Research Association of California (PORAC)
Town of Portola Valley
United States Telecom Association Dba Ustelecom - the Broadband Association
Verizon Communications, INC. and its Affiliates

Opposition

ACLU California Action
All of US or None (HQ)
California Public Defenders Association
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Ella Baker Center for Human Rights
Felony Murder Elimination Project
Friends Committee on Legislation of California
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact
Vera Institute of Justice

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