

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Bob Buster

SUBMITTAL DATE: June 22, 2007

SUBJECT: Letter in opposition of Assembly Bill 844 (Berryhill), an act to amend Section 22755 of the Business and Professions Code, relating to recycling businesses that deal with scrap metal.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Write a letter, signed by the Chairman of the Board of Supervisors, in opposition of Assembly Bill 844, as amended, to Assemblyman Tom Berryhill and to the state senate committee on Business, Professions, and Economic Development,
2. Direct the Executive Office to have the county lobbyists actively oppose and monitor the progress of Assembly Bill 844, as amended and immediately report back to the Executive Office on any changes in status, and
3. Support the Riverside County Sheriff's Department in their opposition to Assembly Bill 844, as it is currently amended.

BACKGROUND: On February 27, 2007 the Board of Supervisors established the Committee to Deter the Theft of Aluminum, Brass and Copper. Metal theft throughout the region has escalated by almost 400% since 2005. The committee has met three times and has established three sub-committees to deal with the issues related to metal theft including legislation, a proposed ordinance and industry/ public education.

The committee has concluded that the preemptive language in Assembly Bill 844, as amended would reduce rather than enhance the ability of law enforcement agencies to effectively implement an enforcement strategy on metal theft.

The committee has drafted a proposed county ordinance that will be more stringent than Assembly Bill 844 in three specific areas, reporting, identification and payment holds. The proposed county ordinance will not limit law enforcement's ability to expeditiously apprehend and prosecute perpetrators of metal theft by giving them the necessary tools to achieve their enforcement goals.

The Riverside County Sheriff's Office and the Riverside County District Attorney's Office support the efforts of the Committee to Deter the Theft of Aluminum Brass and Copper and the proposed ordinance that has been drafted.

While the California State Sheriff's Association (CSSA) is a co-sponsor of this measure, they are opposed to recent preemption language contained in the amendment of June 19, 2007. They have pledged to continue working with the author to remove all preemption language from the bill. This preemption language is not supported by the CSSA and if it is not removed the CSSA will likely recommend that the author hold the bill in the Senate.



Bob Buster

1st District Supervisor