

Senate Bill 311

By: Senators Ramsey, Sr. of the 43rd, Hamrick of the 30th, Henson of the 41st and Crosby of the 13th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to theft, so as to provide a short title; to define certain terms; to provide that only  
3 licensed funeral directors and certain other persons may sell certain burial objects as scrap  
4 metal; to provide that only government personnel and certain other persons may sell certain  
5 government property as scrap metal; to provide that purchasers of such items must verify the  
6 sellers' credentials; to provide that persons who damage certain property shall be guilty of  
7 a felony; to provide for penalties; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Metals Accountability in Disposal (MAD)  
11 Act."

12 **SECTION 2.**

13 Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft,  
14 is amended by adding two new Code sections to read as follows:

15 "16-8-22.

16 (a) As used in this Code section, the term:

17 (1) 'Burial object' means any item reasonably believed to have been placed at a human  
18 burial or interment site including, without limitation, any memorial, tombstone, grave  
19 marker, shrine, statue, urn, or other metal burial place adornments.

20 (2) 'Government property' means any metal object reasonably believed to have belonged  
21 to and been used by the state or a political subdivision, including, without limitation,  
22 manhole covers, fire hydrants and related fittings, water meters, and street or highway  
23 signs.

24 (b) Only licensed funeral directors and burial object manufacturers and distributors, or  
25 individuals authorized by such persons, shall be authorized to sell burial objects as scrap

26 metal. Any person other than such authorized persons who sells such items as scrap metal  
27 shall be guilty of a felony and, upon conviction, shall be sentenced to incarceration for not  
28 fewer than five years.

29 (c) Only public officials and employees and metal manufacturers and distributors, or  
30 individuals authorized by such persons, shall be authorized to sell government property as  
31 scrap metal. Any person other than such authorized persons who sells such items as scrap  
32 metal shall be guilty of a felony and, upon conviction, shall be sentenced to incarceration  
33 for not fewer than five years.

34 (d) Any purchaser of scrap metals shall employ due diligence to ensure that any person  
35 selling burial objects or government property has the proper credentials. Any purchaser  
36 of scrap metals who negligently fails to comply with this subsection shall be guilty of a  
37 felony and, upon conviction, shall be sentenced to incarceration for not fewer than five  
38 years.

39 16-8-23.

40 Any person who intentionally damages the heating or air conditioning equipment installed  
41 in a public building; an educational facility, including, but not limited to, schools and child  
42 care facilities; a place of worship, including, but not limited to, churches where eight or  
43 more unrelated individuals regularly meet for worship; or a health care facility, including,  
44 but not limited to, hospitals, clinics, elderly care facilities, and disabled persons care  
45 facilities, shall be guilty of a felony and, upon conviction, shall be sentenced to  
46 incarceration for not fewer than five years."

47 **SECTION 3.**

48 All laws and parts of laws in conflict with this Act are repealed.