

SB 624 -- STEALING

SPONSOR: Libla (Crawford)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Banking by a vote of 10 to 0. Voted "Do Pass" by the Select Committee on Financial Institutions by a vote of 10 to 0.

This bill modifies provisions relating to stealing.

STEALING (Section 570.010 & 570.030, RSMo)

This bill changes the laws regarding the crime of stealing to include the appropriating or attempted appropriation of property owned by or in the custody of a financial institution in order to deprive the owner or custodian of the property. The offense is a class B felony.

FRAUDULENT PROCUREMENT OF A CREDIT OR DEBIT DEVICE (Section 570.135)

This bill adds an element to the crime of fraudulent procurement of a credit or debit device. Under the new element, a person commits the class A misdemeanor if he or she knowingly possesses a fraudulently obtained credit or debit device.

Currently, business entities cannot be held liable for accepting fraudulent applications for credit or debit devices or using fraudulent credit or debit devices in transactions without clear and convincing evidence that the business conspired with the fraudulent procuring of the credit or debit devices. The bill specifies that such entities cannot be held criminally liable without such evidence.

This provision of the bill is effective beginning January 1, 2017.

This bill is similar to SCS HB 254 (2015) and HB 1594 (2016).

PROPOSERS: Supporters say that this bill is an attempt to mirror the federal law regarding stealing and will strengthen our stealing laws. Currently, it is not illegal to possess another person's credit or debit cards, or other device such as a hotel key card with personal information stored on it. Law enforcement must wait for the person to show intent to use the card or information before an investigation begins. This bill allows the investigation to begin as soon as law enforcement is aware of the cards or information. This is an increasing problem particularly on the gaming boats.

Testifying for the bill were Senator Libla; Department Of Public Safety; Missouri Bankers Association and the Missouri Credit Union Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say family members and others with legal rights to possess and use another person's cards is still allowed.

Testifying on the bill was Kemp Shoun.