

HB 1194 -- Agricultural Crimes

Sponsor: Cauthorn

This bill changes the laws regarding agricultural crimes. In its main provisions, the bill:

(1) Specifies that any person who dispenses or removes any motor fuel from a storage container at any residence, farm, or agricultural property without the express permission of the owner is guilty of the crime of stealing under Section 570.030, RSMo;

(2) Defines "trespasser," as it applies to these provisions, as any person who enters on the property of another without permission and without an invitation, express or implied, regardless of whether actual notice of trespass was given or the land was posted with signs or purple markings in accordance with Sections 569.140 and 569.145;

(3) Specifies that a possessor of real property owes no duty of care to a trespasser, except to refrain from harming the trespasser by an intentional, willful, or wanton act and may use justifiable force to repel a criminal trespasser. However, a possessor of real property may be subject to liability for physical injury or death to a trespasser in specified situations, including if the trespasser is a child who is harmed by a dangerous artificial condition on the land, the possessor knew or should have known that trespassers consistently intrude upon a limited area of the land where the trespasser was harmed by a dangerous artificial condition on the land, or the possessor knew of the trespasser's presence on the land and failed to exercise ordinary care as to active operations carried out on the land;

(4) Changes the crime of trespass in the first degree from a class B misdemeanor to a class A misdemeanor;

(5) Changes the crime of false impersonation from a class B misdemeanor to a class A misdemeanor and if impersonating a law enforcement officer from a class A misdemeanor to a class C felony; and

(6) Prohibits any person from attempting by means of any threat or violence to deter or prevent an inspector, agent, or other employee of the Department of Agriculture from performing any duties imposed by law and prohibits any person from impersonating an inspector, agent, or employee of the department. Any person who violates these provisions will be guilty of a class B misdemeanor and any second or subsequent violation will be a class A misdemeanor.