

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Bill No. 807, Page 1, in the Title, Line 3, by deleting all of said line and inserting in  
2 lieu thereof the words "court proceedings."; and

3  
4 Further amend said bill, Page 3, Section 456.1-113, Line 3, by inserting immediately after said line  
5 the following:

6  
7 "570.010. As used in this chapter:

8 (1) "Adulterated" means varying from the standard of composition or quality prescribed by  
9 statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as  
10 set by commercial usage;

11 (2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;

12 (3) "Coercion" means a threat, however communicated:

13 (a) To commit any crime; or

14 (b) To inflict physical injury in the future on the person threatened or another; or

15 (c) To accuse any person of any crime; or

16 (d) To expose any person to hatred, contempt or ridicule; or

17 (e) To harm the credit or business repute of any person; or

18 (f) To take or withhold action as a public servant, or to cause a public servant to take or  
19 withhold action; or

20 (g) To inflict any other harm which would not benefit the actor. A threat of accusation,  
21 lawsuit or other invocation of official action is not coercion if the property sought to be obtained by  
22 virtue of such threat was honestly claimed as restitution or indemnification for harm done in the  
23 circumstances to which the accusation, exposure, lawsuit or other official action relates, or as  
24 compensation for property or lawful service. The defendant shall have the burden of injecting the  
25 issue of justification as to any threat;

26 (4) "Credit device" means a writing, number or other device purporting to evidence an  
27 undertaking to pay for property or services delivered or rendered to or upon the order of a designated  
28 person or bearer;

29 (5) "Dealer" means a person in the business of buying and selling goods;

30 (6) "Debit device" means a card, code, number or other device, other than a check, draft or  
31 similar paper instrument, by the use of which a person may initiate an electronic fund transfer,  
32 including but not limited to devices that enable electronic transfers of benefits to public assistance  
33 recipients;

34 (7) "Deceit" means purposely making a representation which is false and which the actor  
35 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,  
36 intention or other state of mind. The term "deceit" does not, however, include falsity as to matters

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1 having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in  
 2 the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred  
 3 from the fact alone that he did not subsequently perform the promise;

4 (8) "Deprive" means:

5 (a) To withhold property from the owner permanently; or

6 (b) To restore property only upon payment of reward or other compensation; or

7 (c) To use or dispose of property in a manner that makes recovery of the property by the  
 8 owner unlikely;

9 (9) "Financial institution" means a bank, trust company, savings and loan association, or  
 10 credit union;

11 (10) "Misabeled" means varying from the standard of truth or disclosure in labeling  
 12 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed,  
 13 or if none, as set by commercial usage; or represented as being another person's product, though  
 14 otherwise accurately labeled as to quality and quantity;

15 [(10)] (11) "New and unused property" means tangible personal property that has never been  
 16 used since its production or manufacture and is in its original unopened package or container if such  
 17 property was packaged;

18 [(11)] (12) "Of another" property or services is that "of another" if any natural person,  
 19 corporation, partnership, association, governmental subdivision or instrumentality, other than the  
 20 actor, has a possessory or proprietary interest therein, except that property shall not be deemed  
 21 property of another who has only a security interest therein, even if legal title is in the creditor  
 22 pursuant to a conditional sales contract or other security arrangement;

23 [(12)] (13) "Property" means anything of value, whether real or personal, tangible or  
 24 intangible, in possession or in action, and shall include but not be limited to the evidence of a debt  
 25 actually executed but not delivered or issued as a valid instrument;

26 [(13)] (14) "Receiving" means acquiring possession, control or title or lending on the  
 27 security of the property;

28 [(14)] (15) "Services" includes transportation, telephone, electricity, gas, water, or other  
 29 public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use  
 30 of vehicles;

31 [(15)] (16) "Writing" includes printing, any other method of recording information, money,  
 32 coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other  
 33 symbols of value, right, privilege or identification.

34 570.030. 1. A person commits the offense of stealing if he or she:

35 (1) Appropriates property or services of another with the purpose to deprive him or her  
 36 thereof, either without his or her consent or by means of deceit or coercion;

37 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the  
 38 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or  
 39 coercion; or

40 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or  
 41 disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

42 2. The offense of stealing is a class A felony if the property appropriated consists of any of  
 43 the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car,  
 44 bulk storage tank, field nurse, field tank or field applicator.

45 3. The offense of stealing is a class B felony if:

46 (1) The property appropriated or attempted to be appropriated consists of any amount of  
 47 anhydrous ammonia or liquid nitrogen;

48 (2) The property consists of any animal considered livestock as the term livestock is defined

1 in section 144.010, or any captive wildlife held under permit issued by the conservation commission,  
2 and the value of the animal or animals appropriated exceeds three thousand dollars and that person  
3 has previously been found guilty of appropriating any animal considered livestock or captive wildlife  
4 held under permit issued by the conservation commission. Notwithstanding any provision of law to  
5 the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or  
6 her sentence before he or she is eligible for probation, parole, conditional release, or other early  
7 release by the department of corrections;

8 (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and  
9 that person has previously been found guilty of two stealing-related offenses committed on two  
10 separate occasions where such offenses occurred within ten years of the date of occurrence of the  
11 present offense; [or]

12 (4) The property appropriated or attempted to be appropriated consists of any animal  
13 considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds  
14 ten thousand dollars; or

15 (5) The property appropriated or attempted to be appropriated is owned by or in the custody  
16 of a financial institution and the property is taken or attempted to be taken physically from an  
17 individual person to deprive the owner or custodian of the property.

18 4. The offense of stealing is a class C felony if the value of the property or services  
19 appropriated is twenty-five thousand dollars or more.

20 5. The offense of stealing is a class D felony if:

21 (1) The value of the property or services appropriated is seven hundred fifty dollars or more;

22 (2) The offender physically takes the property appropriated from the person of the victim; or

23 (3) The property appropriated consists of:

24 (a) Any motor vehicle, watercraft or aircraft;

25 (b) Any will or unrecorded deed affecting real property;

26 (c) Any credit device, debit device or letter of credit;

27 (d) Any firearms;

28 (e) Any explosive weapon as defined in section 571.010;

29 (f) Any United States national flag designed, intended and used for display on buildings or  
30 stationary flagstaffs in the open;

31 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature  
32 of the state of Missouri;

33 (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any  
34 other state or of the United States;

35 (i) Any book of registration or list of voters required by chapter 115;

36 (j) Any animal considered livestock as that term is defined in section 144.010;

37 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

38 (l) Any captive wildlife held under permit issued by the conservation commission;

39 (m) Any controlled substance as defined by section 195.010;

40 (n) Ammonium nitrate;

41 (o) Any wire, electrical transformer, or metallic wire associated with transmitting  
42 telecommunications, video, internet, or voice over internet protocol service, or any other device or  
43 pipe that is associated with conducting electricity or transporting natural gas or other combustible  
44 fuels; or

45 (p) Any material appropriated with the intent to use such material to manufacture,  
46 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their  
47 analogues.

48 6. The offense of stealing is a class E felony if:

1 (1) The property appropriated is an animal; or

2 (2) A person has previously been found guilty of three stealing-related offenses committed  
3 on three separate occasions where such offenses occurred within ten years of the date of occurrence  
4 of the present offense.

5 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in  
6 subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred  
7 fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

8 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this  
9 section.

10 9. If a violation of this section is subject to enhanced punishment based on prior findings of  
11 guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section  
12 558.021.

13 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of  
14 this section or of a value of seven hundred fifty dollars or more may be considered a separate felony  
15 and may be charged in separate counts.

16 11. The value of property or services appropriated pursuant to one scheme or course of  
17 conduct, whether from the same or several owners and whether at the same or different times,  
18 constitutes a single criminal episode and may be aggregated in determining the grade of the offense,  
19 except as set forth in subsection 10 of this section.

20 570.030. 1. A person commits the crime of stealing if he or she appropriates property or  
21 services of another with the purpose to deprive him or her thereof, either without his or her consent  
22 or by means of deceit or coercion.

23 2. Evidence of the following is admissible in any criminal prosecution pursuant to this  
24 section on the issue of the requisite knowledge or belief of the alleged stealer:

25 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn  
26 or boardinghouse;

27 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or  
28 boardinghouse a check or negotiable paper on which payment was refused;

29 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay  
30 for property or services;

31 (4) That he or she surreptitiously removed or attempted to remove his or her baggage from a  
32 hotel, inn or boardinghouse;

33 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers,  
34 makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code  
35 label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or  
36 universal price code labels.

37 3. Notwithstanding any other provision of law, any offense in which the value of property or  
38 services is an element is a class C felony if:

39 (1) The value of the property or services appropriated is five hundred dollars or more but  
40 less than twenty-five thousand dollars; or

41 (2) The actor physically takes the property appropriated from the person of the victim; or

42 (3) The property appropriated consists of:

43 (a) Any motor vehicle, watercraft or aircraft; or

44 (b) Any will or unrecorded deed affecting real property; or

45 (c) Any credit card or letter of credit; or

46 (d) Any firearms; or

47 (e) Any explosive weapon as defined in section 571.010; or

48 (f) A United States national flag designed, intended and used for display on buildings or

1 stationary flagstaffs in the open; or

2 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature  
3 of the state of Missouri; or

4 (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any  
5 other state or of the United States; or

6 (i) Any book of registration or list of voters required by chapter 115; or

7 (j) Any animal considered livestock as that term is defined in section 144.010; or

8 (k) Live fish raised for commercial sale with a value of seventy-five dollars; or

9 (l) Captive wildlife held under permit issued by the conservation commission; or

10 (m) Any controlled substance as defined by section 195.010; or

11 (n) Anhydrous ammonia;

12 (o) Ammonium nitrate; or

13 (p) Any document of historical significance which has fair market value of five hundred  
14 dollars or more.

15 4. Notwithstanding any other provision of law, stealing of any animal considered livestock,  
16 as that term is defined in section 144.010, is a class B felony if the value of the livestock exceeds ten  
17 thousand dollars.

18 5. If an actor appropriates any material with a value less than five hundred dollars in  
19 violation of this section with the intent to use such material to manufacture, compound, produce,  
20 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such  
21 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or  
22 any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony. The  
23 theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank  
24 car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

25 6. If the actor appropriates or attempts to appropriate property that is owned by or in the  
26 custody of a financial institution and the property is taken or attempted to be taken physically from  
27 an individual person to deprive the owner or custodian of the property, the theft is a class B felony.

28 7. The theft of any item of property or services pursuant to subsection 3 of this section which  
29 exceeds five hundred dollars may be considered a separate felony and may be charged in separate  
30 counts.

31 [7.] 8. Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of  
32 subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision (3)  
33 of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand  
34 dollars is guilty of a class B felony. Notwithstanding any provision of law to the contrary, such  
35 person shall serve a minimum prison term of not less than eighty percent of his or her sentence  
36 before he or she is eligible for probation, parole, conditional release, or other early release by the  
37 department of corrections.

38 [8.] 9. Any offense in which the value of property or services is an element is a class B  
39 felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

40 [9.] 10. Any violation of this section for which no other penalty is specified in this section is  
41 a class A misdemeanor."; and

42  
43 Further amend said bill by amending the title, enacting clause, and intersectional references  
44 accordingly.