

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1594

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CRAWFORD.

4470H.01P

D. ADAM CRUMBLISS, ChiefClerk

AN ACT

To repeal section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and to enact in lieu thereof two new sections relating to stealing, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, are repealed and two new sections enacted in lieu thereof, to be known as sections 570.010 and 570.030, to read as follows:

570.010. As used in this chapter:

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

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

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

(a) To commit any crime; or

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

28 (7) "Deceit" means purposely making a representation which is false and which the actor
29 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,
30 intention or other state of mind. The term "deceit" does not, however, include falsity as to
31 matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary
32 persons in the group addressed. Deception as to the actor's intention to perform a promise shall
33 not be inferred from the fact alone that he did not subsequently perform the promise;

34 (8) "Deprive" means:

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

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

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

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

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

45 [(10)] **(11)** "New and unused property" means tangible personal property that has never
46 been used since its production or manufacture and is in its original unopened package or
47 container if such property was packaged;

48 [(11)] **(12)** "Of another" property or services is that "of another" if any natural person,
49 corporation, partnership, association, governmental subdivision or instrumentality, other than
50 the actor, has a possessory or proprietary interest therein, except that property shall not be
51 deemed property of another who has only a security interest therein, even if legal title is in the
52 creditor pursuant to a conditional sales contract or other security arrangement;

53 [(12)] **(13)** "Property" means anything of value, whether real or personal, tangible or
54 intangible, in possession or in action, and shall include but not be limited to the evidence of a
55 debt actually executed but not delivered or issued as a valid instrument;

56 [(13)] **(14)** "Receiving" means acquiring possession, control or title or lending on the
57 security of the property;

58 [(14)] **(15)** "Services" includes transportation, telephone, electricity, gas, water, or other
59 public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and
60 use of vehicles;

61 [(15)] **(16)** "Writing" includes printing, any other method of recording information,
62 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and
63 any other symbols of value, right, privilege or identification.

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

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

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

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

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

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

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

16 (2) The property consists of any animal considered livestock as the term livestock is
17 defined in section 144.010, or any captive wildlife held under permit issued by the conservation

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

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

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

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

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

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

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

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

41 (3) The property appropriated consists of:

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

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

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

45 (d) Any firearms;

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

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

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

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

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

- 54 (j) Any animal considered livestock as that term is defined in section 144.010;
- 55 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
- 56 (l) Any captive wildlife held under permit issued by the conservation commission;
- 57 (m) Any controlled substance as defined by section 195.010;
- 58 (n) Ammonium nitrate;
- 59 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
- 60 telecommunications, video, internet, or voice over internet protocol service, or any other device
- 61 or pipe that is associated with conducting electricity or transporting natural gas or other
- 62 combustible fuels; or
- 63 (p) Any material appropriated with the intent to use such material to manufacture,
- 64 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
- 65 analogues.
- 66 6. The offense of stealing is a class E felony if:
- 67 (1) The property appropriated is an animal; or
- 68 (2) A person has previously been found guilty of three stealing-related offenses
- 69 committed on three separate occasions where such offenses occurred within ten years of the date
- 70 of occurrence of the present offense.
- 71 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed
- 72 in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one
- 73 hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related
- 74 offense.
- 75 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
- 76 section.
- 77 9. If a violation of this section is subject to enhanced punishment based on prior findings
- 78 of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by
- 79 section 558.021.
- 80 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5,
- 81 or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a
- 82 separate felony and may be charged in separate counts.
- 83 11. The value of property or services appropriated pursuant to one scheme or course of
- 84 conduct, whether from the same or several owners and whether at the same or different times,
- 85 constitutes a single criminal episode and may be aggregated in determining the grade of the
- 86 offense, except as set forth in subsection 10 of this section.

570.030. 1. A person commits the crime of stealing if he or she appropriates property

2 or services of another with the purpose to deprive him or her thereof, either without his or her

3 consent or by means of deceit or coercion.

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

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

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

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

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

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

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

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

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

24 (3) The property appropriated consists of:

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

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

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

28 (d) Any firearms; or

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

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

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

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

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

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

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

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

- 40 (m) Any controlled substance as defined by section 195.010; or
41 (n) Anhydrous ammonia;
42 (o) Ammonium nitrate; or
43 (p) Any document of historical significance which has fair market value of five hundred
44 dollars or more.

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

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

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

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

62 [7.] **8.** Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of
63 subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision
64 (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three
65 thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the
66 contrary, such person shall serve a minimum prison term of not less than eighty percent of his
67 or her sentence before he or she is eligible for probation, parole, conditional release, or other
68 early release by the department of corrections.

69 [8.] **9.** Any offense in which the value of property or services is an element is a class B
70 felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

71 [9.] **10.** Any violation of this section for which no other penalty is specified in this
72 section is a class A misdemeanor.

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