

SECOND REGULAR SESSION

HOUSE BILL NO. 1638

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (32).

3502H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 574.105, RSMo, and to enact in lieu thereof one new section relating to the offense of money laundering, with penalty provisions.

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

Section A. Section 574.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 574.105, to read as follows:

574.105. 1. As used in this section, the following terms mean:

- 2 (1) "Conducts", initiating, concluding or participating in initiating or concluding a
3 transaction;
- 4 (2) "Criminal activity", any act or activity constituting an offense punishable as a
5 felony pursuant to the laws of Missouri or the United States;
- 6 (3) [~~"Currency", currency and coin of the United States;~~
- 7 (4) ~~"Currency transaction", a transaction involving the physical transfer of currency~~
8 ~~from one person to another. A transaction which is a transfer of funds by means of bank~~
9 ~~check, bank draft, wire transfer or other written order, and which does not include the~~
10 ~~physical transfer of currency is not a currency transaction]~~ **"Financial transaction", a**
11 **transaction:**
 - 12 (a) **Involving:**
 - 13 a. **The movement of funds by wire or other means;**
 - 14 b. **One or more monetary instruments; or**
 - 15 c. **The transfer of title to any real property, vehicle, vessel, or aircraft; or**
 - 16 (b) **Involving the use of a financial institution;**
 - 17 (4) **"Monetary instruments":**

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.

18 **(a) Currency and coin of the United States or of any other country,**
19 **cryptocurrency, travelers' checks, personal checks, bank checks, bank wires, and**
20 **money orders; or**

21 **(b) Investment securities or negotiable instruments, in bearer form or otherwise**
22 **in such form that title thereto passes upon delivery;**

23 (5) "Person", natural persons, partnerships, trusts, estates, associations, corporations
24 and all entities cognizable as legal personalities;

25 **(6) "Transaction", a purchase, sale, loan, pledge, gift, transfer, delivery, or other**
26 **disposition, and with respect to a financial institution includes a deposit; withdrawal;**
27 **transfer between accounts; exchange of currency; loan; extension of credit; purchase or**
28 **sale of any stock, bond, certificate of deposit, or other monetary instrument; use of a**
29 **safe deposit box; or any other payment, transfer, or delivery by, through, or to a**
30 **financial institution, by whatever means effected.**

31 2. A person commits the offense of money laundering if he or she:

32 (1) Conducts or attempts to conduct a [~~currency~~] **financial** transaction with the
33 purpose to promote or aid the carrying on of criminal activity; or

34 (2) Conducts or attempts to conduct a [~~currency~~] **financial** transaction with the
35 purpose to conceal or disguise in whole or in part the nature, location, source, ownership or
36 control of the proceeds of criminal activity; or

37 (3) Conducts or attempts to conduct a [~~currency~~] **financial** transaction with the
38 purpose to avoid [~~currency~~] **financial** transaction reporting requirements under federal law; or

39 (4) Conducts or attempts to conduct a [~~currency~~] **financial** transaction with the
40 purpose to promote or aid the carrying on of criminal activity for the purpose of furthering or
41 making a terrorist threat or act.

42 3. The offense of money laundering is a class B felony and in addition to penalties
43 otherwise provided by law, a fine of not more than five hundred thousand dollars or twice the
44 amount involved in the transaction, whichever is greater, may be assessed.

✓