

SECOND REGULAR SESSION

# SENATE BILL NO. 1031

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

Read 1st time February 21, 2000, and 1,000 copies ordered printed.

4545S.011

TERRY L. SPIELER, Secretary.

## AN ACT

To repeal section 570.030, RSMo Supp. 1999, relating to stealing, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

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

Section A. Section 570.030, RSMo Supp. 1999, is repealed and five new sections enacted in lieu thereof, to be known as sections 570.030, 570.074, 570.075, 570.076 and 570.083, to read as follows:

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

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

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

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

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

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

3. Stealing is a class C felony if:

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

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

more; or

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

(3) The property appropriated consists of:

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

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

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

(d) Any firearms; or

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

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

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

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

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

(k) Any controlled substance as defined by section 195.010, RSMo;

**(4) The actor appropriates goods, wares or merchandise from three separate mercantile establishments during a criminal episode, regardless of the value of the goods.**

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia is a class D felony.

5. The theft of any item of property or services [under] pursuant to subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

**570.074. 1. Any person who, with the intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt or a universal product code label is guilty of a class D felony.**

**2. Any person who, with the intent to cheat or defraud a retailer, possesses fifteen or more fraudulent retail sales receipts or universal product code labels or possesses the device which purpose is to manufacture fraudulent retail sales receipts or universal product code labels is guilty of a class C felony.**

**570.075. 1. A person commits the crime of unlawful use of a theft detection shielding device when such person:**

**(1) Knowingly manufactures, sells, offers for sale or distributes in any way any laminated or coated bag or device peculiar to and marketed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor; or**

**(2) Knowingly possesses any laminated or coated bag or device peculiar to and marketed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor, with the intent to steal.**

**2. Unlawful use of a theft detection shielding device is a class C felony.**

**570.076. 1. A person commits the crime of unlawful possession of a theft detection device remover when such person knowingly possesses any tool or device designed to allow the removal of any theft detection device from any merchandise with the intent to use such tool to remove any theft detection device from any merchandise without the permission of the merchant or person owning or holding such merchandise and such person intentionally removes the theft detection device from such merchandise.**

**2. Unlawful removal of a theft detection device is a class C felony.**

**570.083. 1. A person who uses the Internet to sell new or used property when that person knows or has reasonable cause to believe the property is stolen, commits theft by Internet.**

**2. The offense of theft by Internet occurs in the state where the sale of property originates. Theft by Internet is committed by the seller of stolen property using the Internet, knowing the same to be stolen, and does not include a person who unknowingly purchases stolen property over the Internet.**

**3. A person who uses the Internet to purchase new or used property or merchandise from a merchant with a credit card or checking account that the person knows or has cause to believe the credit card or checking account is fictitious or stolen, commits theft by Internet.**

**4. The offense of theft by Internet occurs in the state where the property or merchandise was ordered or received using the fictitious or stolen credit card or checking account. Theft by Internet is committed by the buyer of property or merchandise using the Internet, knowing or having cause to believe the credit card or checking account numbers are fictitious or stolen.**

**5. Theft by Internet is a class C felony regardless of the value of the stolen property.**

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