

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Senate Bill No. 624, Page 1, Section title, Lines 4-5,

2 by striking all of said lines and inserting in lieu thereof the
 3 following: "relating to stealing, with penalty provisions."; and

4 Further amend said bill and page, section A, line 3, by
 5 inserting after all of said line the following:

6 "570.010. As used in this chapter:

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

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

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

14 (a) To commit any crime; or

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

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

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

19 or

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

21 (f) To take or withhold action as a public servant, or to

1 cause a public servant to take or withhold action; or

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

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

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

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

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

1 the fact alone that he did not subsequently perform the promise;

2 (8) "Deprive" means:

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

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

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

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

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

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

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

28 [(12)] (13) "Property" means anything of value, whether
29 real or personal, tangible or intangible, in possession or in

1 action, and shall include but not be limited to the evidence of a
2 debt actually executed but not delivered or issued as a valid
3 instrument;

4 [(13)] (14) "Receiving" means acquiring possession,
5 control or title or lending on the security of the property;

6 [(14)] (15) "Services" includes transportation, telephone,
7 electricity, gas, water, or other public service, accommodation
8 in hotels, restaurants or elsewhere, admission to exhibitions and
9 use of vehicles;

10 [(15)] (16) "Writing" includes printing, any other method
11 of recording information, money, coins, negotiable instruments,
12 tokens, stamps, seals, credit cards, badges, trademarks and any
13 other symbols of value, right, privilege or identification.

14 570.030. 1. A person commits the offense of stealing if he
15 or she:

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

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

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

27 2. The offense of stealing is a class A felony if the
28 property appropriated consists of any of the following containing
29 any amount of anhydrous ammonia: a tank truck, tank trailer,

1 rail tank car, bulk storage tank, field nurse, field tank or
2 field applicator.

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

4 (1) The property appropriated or attempted to be
5 appropriated consists of any amount of anhydrous ammonia or
6 liquid nitrogen;

7 (2) The property consists of any animal considered
8 livestock as the term livestock is defined in section 144.010, or
9 any captive wildlife held under permit issued by the conservation
10 commission, and the value of the animal or animals appropriated
11 exceeds three thousand dollars and that person has previously
12 been found guilty of appropriating any animal considered
13 livestock or captive wildlife held under permit issued by the
14 conservation commission. Notwithstanding any provision of law to
15 the contrary, such person shall serve a minimum prison term of
16 not less than eighty percent of his or her sentence before he or
17 she is eligible for probation, parole, conditional release, or
18 other early release by the department of corrections;

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

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

28 (5) The property appropriated or attempted to be
29 appropriated is owned by or in the custody of a financial

1 institution and the property is taken or attempted to be taken
2 physically from an individual person to deprive the owner or
3 custodian of the property.

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

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

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

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

12 (3) The property appropriated consists of:

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

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

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

16 (d) Any firearms;

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

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

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

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

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

29 (j) Any animal considered livestock as that term is defined

1 in section 144.010;

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

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

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

7 (n) Ammonium nitrate;

8 (o) Any wire, electrical transformer, or metallic wire
9 associated with transmitting telecommunications, video, internet,
10 or voice over internet protocol service, or any other device or
11 pipe that is associated with conducting electricity or
12 transporting natural gas or other combustible fuels; or

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

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

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

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

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

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

29 9. If a violation of this section is subject to enhanced

1 punishment based on prior findings of guilt, such findings of
2 guilt shall be pleaded and proven in the same manner as required
3 by section 558.021.

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

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

14 570.030. 1. A person commits the crime of stealing if he
15 or she appropriates property or services of another with the
16 purpose to deprive him or her thereof, either without his or her
17 consent or by means of deceit or coercion.

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

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

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

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

29 (4) That he or she surreptitiously removed or attempted to

1 remove his or her baggage from a hotel, inn or boardinghouse;

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

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

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

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

16 (3) The property appropriated consists of:

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

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

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

20 (d) Any firearms; or

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

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

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

28 (h) Any pleading, notice, judgment or any other record or
29 entry of any court of this state, any other state or of the

1 United States; or

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

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

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

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

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

12 (n) Anhydrous ammonia;

13 (o) Ammonium nitrate; or

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

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

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

1 applicator is a class A felony.

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

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

11 [7.] 8. Any person with a prior conviction of paragraph
12 (j) or (l) of subdivision (3) of subsection 3 of this section and
13 who violates the provisions of paragraph (j) or (l) of
14 subdivision (3) of subsection 3 of this section when the value of
15 the animal or animals stolen exceeds three thousand dollars is
16 guilty of a class B felony. Notwithstanding any provision of law
17 to the contrary, such person shall serve a minimum prison term of
18 not less than eighty percent of his or her sentence before he or
19 she is eligible for probation, parole, conditional release, or
20 other early release by the department of corrections.

21 [8.] 9. Any offense in which the value of property or
22 services is an element is a class B felony if the value of the
23 property or services equals or exceeds twenty-five thousand
24 dollars.

25 [9.] 10. Any violation of this section for which no other
26 penalty is specified in this section is a class A misdemeanor.";
27 and

28 Further amend the title and enacting clause accordingly.