

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 271, Page 7, Section 59.100, Line 15,

2 by inserting after all of said line the following:

3 "407.297. 1. Notwithstanding any other provision of  
4 law to the contrary, no person shall engage in the business  
5 of a copper property peddler in a city not within a county  
6 without first obtaining a license from the city and  
7 complying with the provisions of this section.

8 2. For the purposes of this section, the following  
9 terms shall mean:

10 (1) "Copper property", any insulated copper wire,  
11 copper tubing, copper guttering and downspouts, or any item  
12 composed completely of copper;

13 (2) "Copper property peddler", any person who sells or  
14 attempts to sell copper property and who is not either a  
15 licensed or certified tradesperson or does not hold a  
16 business license issued by the city.

17 3. The city shall determine the license fee. The  
18 license shall expire June thirtieth of each year. Each  
19 license shall bear a separate number, the name and address  
20 of the licensee, a photo of the licensee, and telephone  
21 number of the licensee. The license shall be available only  
22 to the person in whose name it is issued and shall not be  
23 used by any person other than the original licensee. Any  
24 licensee who shall permit his or her license to be used by  
25 any other person, and any other person who shall use a

26 license granted to another person, shall each be deemed  
27 guilty of a violation of this section.

28 4. Application for a license under this section shall  
29 be made in writing to the city and shall state the name,  
30 age, description, and address of the applicant. The  
31 application shall include a sworn statement setting forth  
32 each and every conviction of the applicant for violations of  
33 federal, state, or municipal laws, statutes, or ordinances.  
34 In addition, the applicant shall, at his or her expense,  
35 obtain a complete copy of the applicant's criminal record as  
36 indicated by the records of a law enforcement agency and  
37 submit such record as part of the application. No license  
38 shall be granted to any person who has been convicted of  
39 burglary, robbery, stealing, theft, or possession or  
40 receiving stolen goods in the last twenty-four months prior  
41 to the date of the application.

42 5. The city shall have the power and authority to  
43 revoke any license under this section for any willful  
44 violation of this section by a copper property peddler,  
45 provided the licensee has been notified in writing at his or  
46 her place of business of the violations complained of and  
47 shall have been afforded a reasonable opportunity to have a  
48 hearing.

49 6. The provisions of this section shall only be  
50 effective when the city is actively issuing licenses to  
51 copper property peddlers.

52 407.300. 1. Every purchaser or collector of, or  
53 dealer in, junk, scrap metal, or any secondhand property who  
54 obtains items for resale or profit shall keep a register  
55 containing a written or electronic record for each purchase  
56 or trade in which each type of material subject to the  
57 provisions of this section is obtained for value. There

58 shall be a separate record for each transaction involving  
59 any:

- 60 (1) Copper, brass, or bronze;
- 61 (2) Aluminum wire, cable, pipe, tubing, bar, ingot,  
62 rod, fitting, or fastener;
- 63 (3) Material containing copper or aluminum that is  
64 knowingly used for farming purposes as farming is defined in  
65 section 350.010; whatever may be the condition or length of  
66 such metal;
- 67 (4) Detached catalytic converter; or
- 68 (5) Motor vehicle, heavy equipment, or tractor battery.

69 2. The record required by this section shall contain  
70 the following data:

- 71 (1) A copy of the driver's license or photo  
72 identification issued by the state or by the United States  
73 government or agency thereof ~~[to]~~ of the person from whom  
74 the material is obtained;
- 75 (2) The current address, gender, birth date, and a  
76 color photograph of the person from whom the material is  
77 obtained if not included or are different from the  
78 identification required in subdivision (1) of this  
79 subsection;
- 80 (3) The date, time, and place of the transaction;
- 81 (4) The license plate number of the vehicle used by  
82 the seller during the transaction; and
- 83 (5) A full description of the material, including the  
84 weight and purchase price.

85 3. The records required under this section shall be  
86 maintained for a minimum of ~~[twenty-four]~~ thirty-six months  
87 from when such material is obtained and shall be available  
88 for inspection by any law enforcement officer.

89 4. [Anyone convicted of violating this section shall  
90 be guilty of a class B misdemeanor.] No transaction that

91 includes a detached catalytic converter shall occur at any  
92 location other than the fixed place of business of the  
93 purchaser or collector of, or dealer in, junk, scrap metal,  
94 or any secondhand property. No detached catalytic converter  
95 shall be altered, modified, disassembled, or destroyed until  
96 it has been in the purchaser's, collector's, or dealer's  
97 possession for five business days.

98 5. Anyone licensed under section 301.218 who knowingly  
99 purchases a stolen detached catalytic converter shall be  
100 subject to the following penalties:

101 (1) For a first violation, a fine in the amount of  
102 five-thousand dollars;

103 (2) For a second violation, a fine in the amount of  
104 ten-thousand dollars; and

105 (3) For a third violation, revocation of the license  
106 for a business described under section 301.218.

107 6. This section shall not apply to [any] either of the  
108 following transactions:

109 (1) [Any transaction for which the total amount paid  
110 for all regulated material purchased or sold does not exceed  
111 fifty dollars, unless the material is a catalytic converter;

112 (2)] Any transaction for which the seller[, including  
113 a farm or farmer,] has an existing business relationship  
114 with the scrap metal dealer and is known to the scrap metal  
115 dealer making the purchase to be an established business or  
116 political subdivision that operates a business with a fixed  
117 location that can be reasonably expected to generate  
118 regulated scrap metal and can be reasonably identified as  
119 such a business, and for which the seller is paid by check  
120 or by electronic funds transfer, or the seller produces an  
121 acceptable identification, which shall be a copy of the  
122 driver's license or photo identification issued by the state

123 or by the United States government or agency thereof, and a  
124 copy is retained by the purchaser; or

125 ~~[(3)]~~ (2) Any transaction for which the type of metal  
126 subject to subsection 1 of this section is a minor part of a  
127 larger item, except for heating and cooling equipment or  
128 equipment used in the generation and transmission of  
129 electrical power or telecommunications."; and

130 Further amend said bill, page 10, section 451.040, line  
131 103, by inserting after all of said line the following:

132 "570.030. 1. A person commits the offense of stealing  
133 if he or she:

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

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

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

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

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

151 (1) The property appropriated or attempted to be  
152 appropriated consists of any amount of anhydrous ammonia or  
153 liquid nitrogen;

154 (2) The property consists of any animal considered  
155 livestock as the term livestock is defined in section

156 144.010, or any captive wildlife held under permit issued by  
157 the conservation commission, and the value of the animal or  
158 animals appropriated exceeds three thousand dollars and that  
159 person has previously been found guilty of appropriating any  
160 animal considered livestock or captive wildlife held under  
161 permit issued by the conservation commission.

162 Notwithstanding any provision of law to the contrary, such  
163 person shall serve a minimum prison term of not less than  
164 eighty percent of his or her sentence before he or she is  
165 eligible for probation, parole, conditional release, or  
166 other early release by the department of corrections;

167 (3) A person appropriates property consisting of a  
168 motor vehicle, watercraft, or aircraft, and that person has  
169 previously been found guilty of two stealing-related  
170 offenses committed on two separate occasions where such  
171 offenses occurred within ten years of the date of occurrence  
172 of the present offense;

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

177 (5) The property appropriated or attempted to be  
178 appropriated is owned by or in the custody of a financial  
179 institution and the property is taken or attempted to be  
180 taken physically from an individual person to deprive the  
181 owner or custodian of the property.

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

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

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

- 188           (2) The offender physically takes the property  
189 appropriated from the person of the victim; or
- 190           (3) The property appropriated consists of:
- 191           (a) Any motor vehicle, watercraft or aircraft;
- 192           (b) Any will or unrecorded deed affecting real  
193 property;
- 194           (c) Any credit device, debit device or letter of  
195 credit;
- 196           (d) Any firearms;
- 197           (e) Any explosive weapon as defined in section 571.010;
- 198           (f) Any United States national flag designed, intended  
199 and used for display on buildings or stationary flagstaffs  
200 in the open;
- 201           (g) Any original copy of an act, bill or resolution,  
202 introduced or acted upon by the legislature of the state of  
203 Missouri;
- 204           (h) Any pleading, notice, judgment or any other record  
205 or entry of any court of this state, any other state or of  
206 the United States;
- 207           (i) Any book of registration or list of voters  
208 required by chapter 115;
- 209           (j) Any animal considered livestock as that term is  
210 defined in section 144.010;
- 211           (k) Any live fish raised for commercial sale with a  
212 value of seventy-five dollars or more;
- 213           (l) Any captive wildlife held under permit issued by  
214 the conservation commission;
- 215           (m) Any controlled substance as defined by section  
216 195.010;
- 217           (n) Ammonium nitrate;
- 218           (o) Any wire, electrical transformer, or metallic wire  
219 associated with transmitting telecommunications, video,  
220 internet, or voice over internet protocol service, or any

221 other device or pipe that is associated with conducting  
222 electricity or transporting natural gas or other combustible  
223 fuels; or

224 (p) Any material appropriated with the intent to use  
225 such material to manufacture, compound, produce, prepare,  
226 test or analyze amphetamine or methamphetamine or any of  
227 their analogues.

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

229 (1) The property appropriated is an animal; [or]

230 (2) The property is a catalytic converter; or

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

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

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

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

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

251 11. The value of property or services appropriated  
252 pursuant to one scheme or course of conduct, whether from  
253 the same or several owners and whether at the same or



254 different times, constitutes a single criminal episode and  
255 may be aggregated in determining the grade of the offense,  
256 except as set forth in subsection 10 of this section."; and  
257 Further amend the title and enacting clause accordingly.