

SENATE BILL NO. 318

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

1001S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 570.030, RSMo, and to enact in lieu thereof three new sections relating to offenses involving retail establishments, with penalty provisions.

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

Section A. Section 570.030, RSMo, is repealed and three
2 new sections enacted in lieu thereof, to be known as sections
3 569.151, 570.030, and 570.036, to read as follows:

**569.151. 1. A person commits the offense of trespass
2 in the third degree if he or she enters a retail
3 establishment or similar public place with the primary
4 purpose of:**

5 (1) Engaging in tumultuous or violent conduct causing
6 damage to property;

7 (2) Disrupting lawful commerce in such retail
8 establishment or similar public place;

9 (3) Creating the danger of serious physical injury to
10 persons; or

11 (4) Threatening or adversely affecting the health or
12 physical well-being of any individual located in or around
13 such retail establishment or similar public place.

14 2. A person commits the offense of trespass in the
15 third degree if he or she, either individually or as part of
16 an organized campaign, sponsors, promotes, or assists in the
17 conduct made unlawful under subsection 1 of this section.

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

18 3. The offense of trespass in the third degree is a
19 class B misdemeanor. If it is shown that an organized
20 campaign sponsored, promoted, or assisted in any conduct in
21 violation of this section, in addition to the penalty
22 imposed under this section, the organized campaign may be
23 required to pay a civil fine not to exceed five thousand
24 dollars.

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

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

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

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

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

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

20 (1) The property appropriated or attempted to be
21 appropriated consists of any amount of anhydrous ammonia or
22 liquid nitrogen;

23 (2) The property consists of any animal considered
24 livestock as the term livestock is defined in section
25 144.010, or any captive wildlife held under permit issued by

26 the conservation commission, and the value of the animal or
27 animals appropriated exceeds three thousand dollars and that
28 person has previously been found guilty of appropriating any
29 animal considered livestock or captive wildlife held under
30 permit issued by the conservation commission.

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

36 (3) A person appropriates property consisting of a
37 motor vehicle, watercraft, or aircraft, and that person has
38 previously been found guilty of two stealing-related
39 offenses committed on two separate occasions where such
40 offenses occurred within ten years of the date of occurrence
41 of the present offense;

42 (4) The property appropriated or attempted to be
43 appropriated consists of any animal considered livestock as
44 the term is defined in section 144.010 if the value of the
45 livestock exceeds ten thousand dollars; [or]

46 (5) The property appropriated or attempted to be
47 appropriated is owned by or in the custody of a financial
48 institution and the property is taken or attempted to be
49 taken physically from an individual person to deprive the
50 owner or custodian of the property; or

51 (6) **The person appropriates property, the person's**
52 **course of conduct is part of an organized retail theft, and**
53 **the value of the property taken, combined with any property**
54 **damage inflicted in such theft, is ten thousand dollars or**
55 **more.**

56 4. The offense of stealing is a class C felony if:

57 (1) The value of the property or services appropriated
58 is twenty-five thousand dollars or more; or

59 (2) The property is a teller machine or the contents
60 of a teller machine, including cash, regardless of the value
61 or amount; or

62 (3) **The person appropriates property, the person's**
63 **course of conduct is part of an organized retail theft, and**
64 **the value of the property taken, combined with any property**
65 **damage inflicted in such theft, is seven hundred fifty**
66 **dollars or more but less than ten thousand dollars.**

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

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

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

72 (3) The property appropriated consists of:

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

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

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

78 (d) Any firearms;

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

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

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

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

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

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

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

95 (l) Any captive wildlife held under permit issued by
96 the conservation commission;

97 (m) Any controlled substance as defined by section
98 195.010;

99 (n) Ammonium nitrate;

100 (o) Any wire, electrical transformer, or metallic wire
101 associated with transmitting telecommunications, video,
102 internet, or voice over internet protocol service, or any
103 other device or pipe that is associated with conducting
104 electricity or transporting natural gas or other combustible
105 fuels; or

106 (p) Any material appropriated with the intent to use
107 such material to manufacture, compound, produce, prepare,
108 test or analyze amphetamine or methamphetamine or any of
109 their analogues.

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

111 (1) The property appropriated is an animal;

112 (2) The property is a catalytic converter;

113 (3) A person has previously been found guilty of three
114 stealing-related offenses committed on three separate
115 occasions where such offenses occurred within ten years of
116 the date of occurrence of the present offense; or

117 (4) The property appropriated is a letter, postal
118 card, package, bag, or other sealed article that was
119 delivered by a common carrier or delivery service and not
120 yet received by the addressee or that had been left to be

121 collected for shipment by a common carrier or delivery
122 service.

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

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

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

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

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

145 **12. As used in this section, the term "organized**
146 **retail theft" means any act of stealing committed by one or**
147 **more persons as part of any agreement to steal property from**
148 **a business. Separate acts of stealing that are part of any**
149 **ongoing agreement to steal may be aggregated for the purpose**
150 **of determining value regardless of whether the acts are**
151 **committed in the same jurisdiction or at the same time.**

570.036. 1. A person commits the offense of organized retail theft if he or she, while alone or with any other person or persons, commits a series of thefts of retail merchandise against one or more persons either on the premises of a merchant or through the use of an internet or network site in this state with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade, or barter the merchandise for value in any manner including, but not limited to, through the use of an internet or network site.

2. The offense of organized retail theft is a class C felony if the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days is no less than one thousand five hundred dollars and no more than ten thousand dollars.

3. The offense of organized retail theft is a class B felony if the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days is more than ten thousand dollars.

4. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

5. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days:

(1) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services that are obtained; and

32 (2) The amounts involved in all thefts committed by
33 all participants in the organized retail theft shall be
34 aggregated.

35 6. In any prosecution for a violation of this section,
36 the violation shall be deemed to have been committed and may
37 be prosecuted in any jurisdiction in this state in which any
38 theft committed by any participant in the organized retail
39 theft was committed regardless of whether the defendant was
40 ever physically present in such jurisdiction.

✓