

SENATE BILL NO. 538

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

1797S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to the offense of stealing, 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Section A. Section 570.030, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 570.030,
3 to read as follows:

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.

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

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 property appropriated or attempted to be**
52 **appropriated was with the possession of a dangerous**
53 **instrument or deadly weapon as defined in section 556.061.**

54 4. The offense of stealing is a class C felony if the
55 value of the property or services appropriated is twenty-
56 five thousand dollars or more or the property is a teller
57 machine or the contents of a teller machine, including cash,
58 regardless of the value or amount.

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

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

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

64 (3) The property appropriated consists of:

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

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

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

70 (d) Any firearms;

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

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

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

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

81 (i) Any book of registration or list of voters
82 required by chapter 115;

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

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

87 (l) Any captive wildlife held under permit issued by
88 the conservation commission;

89 (m) Any controlled substance as defined by section
90 195.010;

91 (n) Ammonium nitrate;

92 (o) Any wire, electrical transformer, or metallic wire
93 associated with transmitting telecommunications, video,
94 internet, or voice over internet protocol service, or any
95 other device or pipe that is associated with conducting
96 electricity or transporting natural gas or other combustible
97 fuels; or

98 (p) Any material appropriated with the intent to use
99 such material to manufacture, compound, produce, prepare,
100 test or analyze amphetamine or methamphetamine or any of
101 their analogues.

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

103 (1) The property appropriated is an animal;

104 (2) The property is a catalytic converter;

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

109 (4) The property appropriated is a letter, postal
110 card, package, bag, or other sealed article that was
111 delivered by a common carrier or delivery service and not
112 yet received by the addressee or that had been left to be
113 collected for shipment by a common carrier or delivery
114 service.

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

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

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

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

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

✓