

SECOND REGULAR SESSION

SENATE BILL NO. 1043

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MATHEWSON.

Read 1st time February 23, 2000, and 1,000 copies ordered printed.

3144S.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 570, RSMo, relating to stealing by adding thereto one new section relating to stealing services, with penalty provisions.

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

Section A. Chapter 570, RSMo, is amended by adding thereto one new section, to be known as section 570.036, to read as follows:

570.036. 1. A person commits theft of service if, with intent to avoid payment for service that the person knows it provided only for compensation, the person:

(1) Knowingly or purposely secures performance of the service by deception, threat or false token;

(2) Knowingly or purposely diverts another's services to the actor's own benefit or to the benefit of a third person, when the actor has control over the disposition of services to another to which the actor is not entitled; or

(3) Holds personal property under a written rental agreement beyond the expiration of the rental period without the effective consent of the owner of the property.

2. Intent to avoid payment is presumed if the actor:

(1) Absconded without paying for the service in circumstances where payment is ordinarily made immediately upon rendering of the service;

(2) Failed to return the property held under a rental agreement within ten days after receiving notice demanding return; or

(3) Returns property held under a rental agreement after the expiration of the rental agreement and fails to pay the applicable rental charge for the property within ten days after the date on which the actor received notice demanding payment.

3. Any notice required pursuant to this section shall be in writing, sent by

registered or certified mail with return receipt requested and addressed to the actor at the address shown on the rental agreement. Written notice sent in accordance with this subsection shall be presumed to be received no later than five days after it was sent.

4. Theft of service is a class C felony if the value of the services is seven hundred fifty dollars or more, otherwise theft of service is a class A misdemeanor.

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