

SECOND REGULAR SESSION

SENATE BILL NO. 671

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EHLMANN.

Pre-filed December 1, 1999, and 1,000 copies ordered printed.

2614S.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 570.080, RSMo 1994, and section 570.030, RSMo Supp. 1999, relating to the felony limit for certain crimes, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

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

Section A. Section 570.080, RSMo 1994, and section 570.030, RSMo Supp. 1999, are repealed and two new sections enacted in lieu thereof, to be known as sections 570.030 and 570.080, to read as follows:

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

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

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

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

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

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. **Stealing is a class D felony if the value of the property or services is at least**

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

one hundred fifty dollars but less than four hundred twenty-five dollars.

4. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is [seven] **four** hundred [fifty] **twenty-five** dollars or more; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
 - (a) Any motor vehicle, watercraft or aircraft; or
 - (b) Any will or unrecorded deed affecting real property; or
 - (c) Any credit card or letter of credit; or
 - (d) Any firearms; or
 - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
 - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
 - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
 - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
 - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
 - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
 - (k) Any controlled substance as defined by section 195.010, RSMo.

[4.] 5. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia is a class D felony.

[5.] 6. The theft of any item of property or services under subsection **[3] 4** of this section which exceeds [seven] **one** hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

[6.] 7. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection **[3] 4** of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection **[3] 4** of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

[7.] 8. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

570.080. 1. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. Evidence of the following is admissible in any criminal prosecution under this section to prove the requisite knowledge or belief of the alleged receiver:

(1) That he was found in possession or control of other property stolen on separate occasions from two or more persons;

(2) That he received other stolen property in another transaction within the year preceding the transaction charged;

(3) That he acquired the stolen property for a consideration which he knew was far below its reasonable value.

3. Receiving stolen property is a class A misdemeanor unless the property involved has a value of **at least** one hundred fifty dollars **but less than four hundred twenty-five dollars, in which case receiving stolen property is a class D felony. If the property involved has a value of four hundred twenty-five dollars** or more, or the person receiving the property is a dealer in goods of the type in question, in which cases receiving stolen property is a class C felony.

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Bill

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