

FIRST REGULAR SESSION

# SENATE BILL NO. 425

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time March 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1892S.011

## AN ACT

To repeal section 570.080, RSMo, and to enact in lieu thereof one new section relating to offenses in which the value of property or services is an element of the crime, with penalty provisions.

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

Section A. Section 570.080, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 570.080, to read as follows:

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

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

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

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

12 (3) That he or she acquired the stolen property for a consideration which  
13 he or she knew was far below its reasonable value;

14 (4) That he or she obtained control over stolen property knowing the  
15 property to have been stolen or under such circumstances as would reasonably  
16 induce a person to believe the property was stolen.

17 3. [Receiving stolen property is a class A misdemeanor unless the  
18 property involved has a value of five hundred dollars or more, or the person

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

19 receiving the property is a dealer in goods of the type in question, or the property  
20 involved is an explosive weapon as that term is defined in section 571.010, in  
21 which cases receiving stolen property is a class C felony.] **Notwithstanding**  
22 **any other provision of law, any offense in which the value of property**  
23 **or services is an element of the crime is a class C felony if:**

24 (1) **The value of the property or services appropriated is five**  
25 **hundred dollars or more but less than twenty-five thousand dollars; or**

26 (2) **The actor physically takes the property appropriated from**  
27 **the person of the victim; or**

28 (3) **The property appropriated consists of:**

29 (a) **Any motor vehicle, watercraft, or aircraft;**

30 (b) **Any will or unrecorded deed affecting real property;**

31 (c) **Any credit card or letter of credit;**

32 (d) **Any firearm;**

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

34 (f) **A United States national flag designed, intended, and used for**  
35 **display on buildings or stationary flagstaffs in the open;**

36 (g) **Any original copy of an act, bill, or resolution, introduced or**  
37 **acted upon by the legislature of the state of Missouri;**

38 (h) **Any pleading, notice, judgment, or any other record or entry**  
39 **of any court of this state, any other state or of the United States;**

40 (i) **Any book of registration or list of voters required by chapter**  
41 **115;**

42 (j) **Any animal considered livestock as that term is defined in**  
43 **section 144.010;**

44 (k) **Live fish raised for commercial sale with a value of seventy-**  
45 **five dollars;**

46 (l) **Captive wildlife held under permit issued by the conservation**  
47 **commission;**

48 (m) **Any controlled substance as defined in section 195.010;**

49 (n) **Anhydrous ammonia;**

50 (o) **Ammonium nitrate; or**

51 (p) **Any document of historical significance which has fair**  
52 **market value of five hundred dollars or more.**

53 4. **The receipt of any item or property or services pursuant to**  
54 **subsection 3 of this section which exceeds five hundred dollars may be**  
55 **considered a separate felony and may be charged in separate counts.**

56           **5. Any person with a prior conviction of paragraph (j) or (l) of**  
57 **subdivision (3) of subsection 3 of this section when the value of the**  
58 **animal or animals stolen exceeds three thousand dollars is guilty of a**  
59 **class B felony. Notwithstanding any provision of law to the contrary,**  
60 **such person shall serve a minimum prison term of not less than eighty**  
61 **percent of his or her sentence before he or she is eligible for probation,**  
62 **parole, conditional release, or other early release by the department of**  
63 **corrections.**

64           **6. Any offense in which the property or services is an element is**  
65 **a class B felony if the value of the property or services equals or**  
66 **exceeds twenty-five thousand dollars.**

67           **7. Any violation of this section for which no other penalty is**  
68 **specified in this section is a class A misdemeanor.**

✓

Bill

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