

SECOND REGULAR SESSION

# SENATE BILL NO. 447

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4527S.02I

## AN ACT

To repeal sections 570.030 and 570.080, RSMo, and to enact in lieu thereof two new sections relating to stealing offenses, with penalty provisions.

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

Section A. Sections 570.030 and 570.080, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 570.030 and 570.080, to read as follows: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 pursuant to 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;

(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat

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

19 or defraud, the device that manufactures fraudulent receipts or universal price  
20 code labels.

21 3. [Notwithstanding any other provision of law, any offense in which the  
22 value of property or services is an element] **Except as otherwise provided in**  
23 **this section, stealing is a class A misdemeanor.**

24 4. **Stealing** is a class C felony if:

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

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

29 (3) The property appropriated [consists of] **includes:**

30 (a) Any motor vehicle, watercraft, or aircraft; [or]

31 (b) Any will or unrecorded deed affecting real property; [or]

32 (c) Any credit card or letter of credit; [or]

33 (d) Any [firearms; or] **firearm;**

34 (e) Any explosive weapon as **that term is** defined in section 571.010; [or]

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

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

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

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

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

44 (k) **Any** live fish raised for commercial sale with a value of seventy-five  
45 dollars **or more;** [or]

46 (l) **Any** captive wildlife held under permit issued by the conservation  
47 commission; [or]

48 (m) Any controlled substance as **that term is** defined by section 195.010;  
49 [or]

50 (n) Anhydrous ammonia;

51 (o) Ammonium nitrate; [or]

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

54 (q) **Any letter, package, postal card, bag, mail, or any article or**

55 **thing contained in any mail, post office, post station, letter box, mail**  
56 **receptacle, mail route, mail carrier, or in any other authorized**  
57 **depository for mail matter.**

58 [4.] **5.** If an actor appropriates any material with a value less than five  
59 hundred dollars in violation of this section with the intent to use such material  
60 to manufacture, compound, produce, prepare, test or analyze amphetamine or  
61 methamphetamine or any of their analogues, then such violation is a class C  
62 felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any  
63 attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class  
64 B felony. The theft of any amount of anhydrous ammonia by appropriation of a  
65 tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or  
66 field applicator is a class A felony.

67 [5.] **6.** The theft of any item of property or services pursuant to  
68 subsection [3] **4** of this section which exceeds five hundred dollars may be  
69 considered a separate felony and may be charged in separate counts.

70 [6.] **7.** Any person [with a prior conviction of] **who, on more than one**  
71 **occasion, has been found guilty of, or pled guilty to, stealing property**  
72 **of the kind described in** paragraph (j) or (l) of subdivision (3) of subsection [3]  
73 **4** of this section [and who violates the provisions of paragraph (j) or (l) of  
74 subdivision (3) of subsection 3 of this section], when the value of the animal or  
75 animals stolen exceeds three thousand dollars, is guilty of a class B  
76 felony. Notwithstanding any provision of law to the contrary, such person shall  
77 serve a minimum prison term of not less than eighty percent of his or her  
78 sentence before he or she is eligible for probation, parole, conditional release, or  
79 other early release by the department of corrections.

80 [7. Any offense in which the value of property or services is an element]  
81 **8. Stealing** is a class B felony if the value of the property or services  
82 equals or exceeds twenty-five thousand dollars.

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

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. Except as otherwise provided in [subsections 4 and 5 of] this section,  
18 receiving stolen property is a class A misdemeanor.

19 4. Receiving stolen property is a class C felony if:

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

22 (2) The property has been physically taken from the person of the victim;  
23 or

24 (3) The property appropriated includes:

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

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

27 (c) Any credit card or letter of credit;

28 (d) Any firearm;

29 (e) Any explosive weapon as that term is defined in section 571.010;

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

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

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

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

37 (j) Any animal considered livestock as that term is defined in section  
38 144.010;

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

41 (l) Any captive wildlife held under permit issued by the conservation  
42 commission;

- 43 (m) Any controlled substance as that term is defined in section 195.010;  
44 (n) Anhydrous ammonia;  
45 (o) Ammonium nitrate; [or]  
46 (p) Any document of historical significance which has a fair market value  
47 of five hundred dollars or more; **or**  
48 **(q) Any letter, package, postal card, bag, mail, or any article or**  
49 **thing contained in any mail, post office, post station, letter box, mail**  
50 **receptacle, mail route, mail carrier, or in any other authorized**  
51 **depository for mail matter.**

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

55 6. Any person who [previously], **on more than one occasion**, has been  
56 found guilty of, or pled guilty to, receiving stolen property, when the property is  
57 of the kind described under paragraph (j) or (l) of subdivision (3) of subsection 4  
58 of this section and the value of the animal or animals received exceeds three  
59 thousand dollars, is guilty of a class B felony. Such person shall serve a  
60 minimum prison term of not less than eighty percent of his or her sentence before  
61 being eligible for probation, parole, conditional release, or other early release by  
62 the department of corrections.

63 7. Receiving stolen property is a class B felony if the value of the property  
64 or services equals or exceeds twenty-five thousand dollars.

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