

SECOND REGULAR SESSION

SENATE BILL NO. 771

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 23, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5426S.011

AN ACT

To amend chapter 570, RSMo, by adding thereto one new section relating to the offense of possession or transfer of an automated sales suppression device, 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 570.415, to read as follows:

570.415. 1. As used in this section, the following terms mean:

(1) "Automated sales suppression device", a computer software program that is designed or used to falsify the electronic records of an electronic cash register or other point-of-sale system, including, but not limited to, transaction data and transaction reports;

(2) "Electronic cash register", a device that keeps a register or supporting documents through the means of an electronic device or computer system designed to record transaction data for the purpose of computing, compiling, or processing retail sales transaction data;

(3) "Phantom-ware", a hidden, preinstalled, or installed programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that can be used to create a virtual second cash register or to eliminate or manipulate transaction records, which may or may not be preserved in digital formats, can represent either the true or the manipulated records of transactions in the electronic cash register, and is intended to falsify the electronic records of an electronic cash register or other point-of-sale system;

(4) "Transaction data", a description of items purchased by a customer, which may include the price for each item, a taxability

21 determination for each item, a segregated tax amount for each taxed
22 item, the amount of cash or credit tendered, the net amount returned
23 to the customer in change, the date and time of the purchase, the name,
24 address, and identification number of the vendor, and the receipt or
25 invoice number of the transaction;

26 (5) "Transaction report", a report that includes, but is not limited
27 to, sales, taxes collected, methods of payment, and voided sales at an
28 electronic cash register that is printed on cash register tape at the end
29 of a day or shift or a report that includes every action at an electronic
30 cash register that is stored electronically.

31 2. A person commits the offense of possession or transfer of an
32 automated sales suppression device if such person:

33 (1) Knowingly possesses, purchases, or owns any automated sales
34 suppression device or phantom-ware; or

35 (2) Knowingly manufactures, sells, installs, or transfers any
36 automated sales suppression device or phantom-ware or possesses,
37 purchases, or owns with the intent to sell, install, or transfer any
38 automated sales suppression device or phantom-ware.

39 3. The offense of possession or transfer of an automated sales
40 suppression device is a class D felony if committed under subdivision
41 (1) of subsection 2 of this section and a class C felony if committed
42 under subdivision (2) of subsection 2 of this section.

43 4. Any person found guilty of an offense under this section shall
44 forfeit to the state as an additional penalty all profits associated with
45 the sale or use of an automated sales suppression device or
46 phantom-ware.

47 5. An automated sales suppression device or phantom-ware shall
48 be contraband.

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