

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill No. 271, Page 7, Section 59.100, Line 15,

2 by inserting after all of said line the following:

3 "407.297. 1. Notwithstanding any other provision of
4 law to the contrary, no person shall engage in the business
5 of a copper property peddler in a city not within a county
6 without first obtaining a license from the city and
7 complying with the provisions of this section.

8 2. For the purposes of this section, the following
9 terms shall mean:

10 (1) "Copper property", any insulated copper wire,
11 copper tubing, copper guttering and downspouts, or any item
12 composed completely of copper;

13 (2) "Copper property peddler", any person who sells or
14 attempts to sell copper property and who is not either a
15 licensed or certified tradesperson or does not hold a
16 business license issued by the city.

17 3. The city shall determine the license fee. The
18 license shall expire June thirtieth of each year. Each
19 license shall bear a separate number, the name and address
20 of the licensee, a photo of the licensee, and telephone
21 number of the licensee. The license shall be available only
22 to the person in whose name it is issued and shall not be
23 used by any person other than the original licensee. Any
24 licensee who shall permit his or her license to be used by
25 any other person, and any other person who shall use a

26 license granted to another person, shall each be deemed
27 guilty of a violation of this section.

28 4. Application for a license under this section shall
29 be made in writing to the city and shall state the name,
30 age, description, and address of the applicant. The
31 application shall include a sworn statement setting forth
32 each and every conviction of the applicant for violations of
33 federal, state, or municipal laws, statutes, or ordinances.
34 In addition, the applicant shall, at his or her expense,
35 obtain a complete copy of the applicant's criminal record as
36 indicated by the records of a law enforcement agency and
37 submit such record as part of the application. No license
38 shall be granted to any person who has been convicted of
39 burglary, robbery, stealing, theft, or possession or
40 receiving stolen goods in the last twenty-four months prior
41 to the date of the application.

42 5. The city shall have the power and authority to
43 revoke any license under this section for any willful
44 violation of this section by a copper property peddler,
45 provided the licensee has been notified in writing at his or
46 her place of business of the violations complained of and
47 shall have been afforded a reasonable opportunity to have a
48 hearing.

49 6. The provisions of this section shall only be
50 effective when the city is actively issuing licenses to
51 copper property peddlers.

52 407.300. 1. Every purchaser or collector of, or
53 dealer in, junk, scrap metal, or any secondhand property who
54 obtains items for resale or profit shall keep a register
55 containing a written or electronic record for each purchase
56 or trade in which each type of material subject to the
57 provisions of this section is obtained for value. There

58 shall be a separate record for each transaction involving
59 any:

- 60 (1) Copper, brass, or bronze;
- 61 (2) Aluminum wire, cable, pipe, tubing, bar, ingot,
62 rod, fitting, or fastener;
- 63 (3) Material containing copper or aluminum that is
64 knowingly used for farming purposes as farming is defined in
65 section 350.010; whatever may be the condition or length of
66 such metal;
- 67 (4) Detached catalytic converter; or
- 68 (5) Motor vehicle, heavy equipment, or tractor battery.

69 2. The record required by this section shall contain
70 the following data:

- 71 (1) A copy of the driver's license or photo
72 identification issued by the state or by the United States
73 government or agency thereof ~~to~~ of the person from whom
74 the material is obtained;
- 75 (2) The current address, gender, birth date, and a
76 color photograph of the person from whom the material is
77 obtained if not included or are different from the
78 identification required in subdivision (1) of this
79 subsection;
- 80 (3) The date, time, and place of the transaction;
- 81 (4) The license plate number of the vehicle used by
82 the seller during the transaction; and
- 83 (5) A full description of the material, including the
84 weight and purchase price.

85 3. The records required under this section shall be
86 maintained for a minimum of ~~twenty-four~~ thirty-six months
87 from when such material is obtained and shall be available
88 for inspection by any law enforcement officer.

89 4. Anyone convicted of violating this section shall
90 be guilty of a class B misdemeanor.] No transaction that

includes a detached catalytic converter shall occur at any location other than the fixed place of business of the purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property. No detached catalytic converter shall be altered, modified, disassembled, or destroyed until it has been in the purchaser's, collector's, or dealer's possession for five business days.

5. Anyone licensed under section 301.218 who knowingly purchases a stolen detached catalytic converter shall be subject to the following penalties:

(1) For a first violation, a fine in the amount of five-thousand dollars;

(2) For a second violation, a fine in the amount of ten-thousand dollars; and

(3) For a third violation, revocation of the license for a business described under section 301.218.

6. This section shall not apply to [any] either of the following transactions:

(1) [Any transaction for which the total amount paid for all regulated material purchased or sold does not exceed fifty dollars, unless the material is a catalytic converter;

(2)] Any transaction for which the seller[, including a farm or farmer,] has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business, and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state

123 or by the United States government or agency thereof, and a
124 copy is retained by the purchaser; or

125 ~~[(3)]~~ (2) Any transaction for which the type of metal
126 subject to subsection 1 of this section is a minor part of a
127 larger item, except for heating and cooling equipment or
128 equipment used in the generation and transmission of
129 electrical power or telecommunications."; and

130 Further amend said bill, page 10, section 451.040, line
131 103, by inserting after all of said line the following:

132 "570.030. 1. A person commits the offense of stealing
133 if he or she:

134 (1) Appropriates property or services of another with
135 the purpose to deprive him or her thereof, either without
136 his or her consent or by means of deceit or coercion;

137 (2) Attempts to appropriate anhydrous ammonia or
138 liquid nitrogen of another with the purpose to deprive him
139 or her thereof, either without his or her consent or by
140 means of deceit or coercion; or

141 (3) For the purpose of depriving the owner of a lawful
142 interest therein, receives, retains or disposes of property
143 of another knowing that it has been stolen, or believing
144 that it has been stolen.

145 2. The offense of stealing is a class A felony if the
146 property appropriated consists of any of the following
147 containing any amount of anhydrous ammonia: a tank truck,
148 tank trailer, rail tank car, bulk storage tank, field nurse,
149 field tank or field applicator.

150 3. The offense of stealing is a class B felony if:

151 (1) The property appropriated or attempted to be
152 appropriated consists of any amount of anhydrous ammonia or
153 liquid nitrogen;

154 (2) The property consists of any animal considered
155 livestock as the term livestock is defined in section

144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission.

Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or

(5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property.

4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more.

5. The offense of stealing is a class D felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more;

188 (2) The offender physically takes the property
189 appropriated from the person of the victim; or
190 (3) The property appropriated consists of:
191 (a) Any motor vehicle, watercraft or aircraft;
192 (b) Any will or unrecorded deed affecting real
193 property;
194 (c) Any credit device, debit device or letter of
195 credit;
196 (d) Any firearms;
197 (e) Any explosive weapon as defined in section 571.010;
198 (f) Any United States national flag designed, intended
199 and used for display on buildings or stationary flagstaffs
200 in the open;
201 (g) Any original copy of an act, bill or resolution,
202 introduced or acted upon by the legislature of the state of
203 Missouri;
204 (h) Any pleading, notice, judgment or any other record
205 or entry of any court of this state, any other state or of
206 the United States;
207 (i) Any book of registration or list of voters
208 required by chapter 115;
209 (j) Any animal considered livestock as that term is
210 defined in section 144.010;
211 (k) Any live fish raised for commercial sale with a
212 value of seventy-five dollars or more;
213 (l) Any captive wildlife held under permit issued by
214 the conservation commission;
215 (m) Any controlled substance as defined by section
216 195.010;
217 (n) Ammonium nitrate;
218 (o) Any wire, electrical transformer, or metallic wire
219 associated with transmitting telecommunications, video,
220 internet, or voice over internet protocol service, or any

other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or

(p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.

6. The offense of stealing is a class E felony if:

(1) The property appropriated is an animal; [or]

(2) The property is a catalytic converter; or

(3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense.

7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.

9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.

11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or

254 different times, constitutes a single criminal episode and
255 may be aggregated in determining the grade of the offense,
256 except as set forth in subsection 10 of this section."; and
257 Further amend the title and enacting clause accordingly.