

FIRST REGULAR SESSION

SENATE BILL NO. 507

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

2420S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 407.300 and 570.030, RSMo, and to enact in lieu thereof two new sections relating to the sale of copper, with penalty provisions.

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

Section A. Sections 407.300 and 570.030, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 407.300 and 570.030, to read as follows:

407.300. 1. Every purchaser or collector of, or
2 dealer in, junk, scrap metal, or any secondhand property
3 shall keep a register containing a written or electronic
4 record for each purchase or trade in which each type of
5 material subject to the provisions of this section is
6 obtained for value. There shall be a separate record for
7 each transaction involving any:

- 8 (1) Copper, brass, or bronze;
- 9 (2) Aluminum wire, cable, pipe, tubing, bar, ingot,
10 rod, fitting, or fastener;
- 11 (3) Material containing copper or aluminum that is
12 knowingly used for farming purposes as farming is defined in
13 section 350.010; whatever may be the condition or length of
14 such metal;
- 15 (4) Catalytic converter; or
- 16 (5) Motor vehicle, heavy equipment, or tractor battery.

17 2. The record required by this section shall contain
18 the following data:

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

19 (1) A copy of the driver's license or photo
20 identification issued by the state or by the United States
21 government or agency thereof to the person from whom the
22 material is obtained;

23 (2) The current address, gender, birth date, and a
24 photograph of the person from whom the material is obtained
25 if not included or are different from the identification
26 required in subdivision (1) of this subsection;

27 (3) The date, time, and place of the transaction;

28 (4) The license plate number of the vehicle used by
29 the seller during the transaction; **and**

30 (5) A full description of the material, including the
31 weight and purchase price.

32 **3. For any purchase of copper, every purchaser or**
33 **collector of, or dealer in, junk, scrap metal, or any**
34 **secondhand property shall require from the seller either a**
35 **bill of sale that indicates or an affidavit that attests**
36 **that the copper being sold was acquired lawfully.**

37 **4.** The records required under this section shall be
38 maintained for a minimum of twenty-four months from when
39 such material is obtained and shall be available for
40 inspection by any law enforcement officer.

41 **[4.] 5.** Anyone convicted of violating this section
42 shall be guilty of a class B misdemeanor.

43 **[5.] 6.** This section shall not apply to **[any] either**
44 of the following transactions:

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

48 **(2)] Any transaction for which the seller[, including**
49 **a farm or farmer,] has an existing business relationship**
50 **with the scrap metal dealer and is known to the scrap metal**

51 dealer making the purchase to be an established business or
52 political subdivision that operates a business with a fixed
53 location that can be reasonably expected to generate
54 regulated scrap metal and can be reasonably identified as
55 such a business, **and for which the seller is paid by check**
56 **or by electronic funds transfer;** or

57 [(3)] (2) Any transaction for which the type of metal
58 subject to subsection 1 of this section is a minor part of a
59 larger item, except for equipment used in the generation and
60 transmission of electrical power or telecommunications.

570.030. 1. A person commits the offense of stealing
2 if he or she:

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

6 (2) Attempts to appropriate anhydrous ammonia or
7 liquid nitrogen of another with the purpose to deprive him
8 or her thereof, either without his or her consent or by
9 means of deceit or coercion; or

10 (3) For the purpose of depriving the owner of a lawful
11 interest therein, receives, retains or disposes of property
12 of another knowing that it has been stolen, or believing
13 that it has been stolen.

14 2. The offense of stealing is a class A felony if the
15 property appropriated consists of any of the following
16 containing any amount of anhydrous ammonia: a tank truck,
17 tank trailer, rail tank car, bulk storage tank, field nurse,
18 field tank or field applicator.

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

20 (1) The property appropriated or attempted to be
21 appropriated consists of any amount of anhydrous ammonia or
22 liquid nitrogen;

23 (2) The property consists of any animal considered
24 livestock as the term livestock is defined in section
25 144.010, or any captive wildlife held under permit issued by
26 the conservation commission, and the value of the animal or
27 animals appropriated exceeds three thousand dollars and that
28 person has previously been found guilty of appropriating any
29 animal considered livestock or captive wildlife held under
30 permit issued by the conservation commission.

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

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

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

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

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

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

- 55 (1) The value of the property or services appropriated
56 is seven hundred fifty dollars or more;
- 57 (2) The offender physically takes the property
58 appropriated from the person of the victim; or
- 59 (3) The property appropriated consists of:
- 60 (a) Any motor vehicle, watercraft or aircraft;
- 61 (b) Any will or unrecorded deed affecting real
62 property;
- 63 (c) Any credit device, debit device or letter of
64 credit;
- 65 (d) Any firearms;
- 66 (e) Any explosive weapon as defined in section 571.010;
- 67 (f) Any United States national flag designed, intended
68 and used for display on buildings or stationary flagstaffs
69 in the open;
- 70 (g) Any original copy of an act, bill or resolution,
71 introduced or acted upon by the legislature of the state of
72 Missouri;
- 73 (h) Any pleading, notice, judgment or any other record
74 or entry of any court of this state, any other state or of
75 the United States;
- 76 (i) Any book of registration or list of voters
77 required by chapter 115;
- 78 (j) Any animal considered livestock as that term is
79 defined in section 144.010;
- 80 (k) Any live fish raised for commercial sale with a
81 value of seventy-five dollars or more;
- 82 (l) Any captive wildlife held under permit issued by
83 the conservation commission;
- 84 (m) Any controlled substance as defined by section
85 195.010;
- 86 (n) Ammonium nitrate;

87 (o) Any wire, electrical transformer, or metallic wire
88 associated with transmitting telecommunications, video,
89 internet, or voice over internet protocol service, or any
90 other device or pipe that is associated with conducting
91 electricity or transporting natural gas or other combustible
92 fuels; or

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

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

98 (1) The property appropriated is an animal; or

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

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

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

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

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

119 11. The value of property or services appropriated
120 pursuant to one scheme or course of conduct, whether from
121 the same or several owners and whether at the same or
122 different times, constitutes a single criminal episode and
123 may be aggregated in determining the grade of the offense,
124 except as set forth in subsection 10 of this section.

125 **12. A person who pleads or is found guilty of the**
126 **offense of stealing for appropriating copper shall be**
127 **prohibited from selling copper for ten years following the**
128 **date of conviction. A violation of this subsection is a**
129 **class B misdemeanor.**

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