

SECOND REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 1384

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BROOKS (Sponsor), KELLY (36), BYRD, CURLS, SALVA,
WILSON (42), JOLLY, PARKER, HUBBARD, JOHNSON (61), BISHOP, JOHNSON (90),
WARD AND HOSKINS (Co-sponsors).

Read 1st time February 4, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4107L.011

AN ACT

To repeal sections 570.030, 570.200, 570.210, and 575.110, RSMo, and to enact in lieu thereof four new sections relating to records, with penalty provisions.

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

Section A. Sections 570.030, 570.200, 570.210, and 575.110, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 570.030, 570.200, 570.210,
3 and 575.110, to read as follows:

570.030. 1. A person commits the crime of stealing if he or she appropriates property
2 or services of another with the purpose to deprive him or her thereof, either without his or her
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this
5 section on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

13 from a hotel, inn or boardinghouse;

14 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,
15 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal
16 price code label, or possesses with intent to cheat or defraud, the device that manufactures
17 fraudulent receipts or universal price code labels.

18 3. Notwithstanding any other provision of law, any offense in which the value of
19 property or services is an element is a class C felony if:

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

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

24 (3) The property appropriated consists of:

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

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

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

28 (d) Any firearms; or

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

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

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

35 (h) Any book of registration or list of voters required by chapter 115, RSMo; or

36 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

37 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or

38 (k) Any controlled substance as defined by section 195.010, RSMo; or

39 (l) Anhydrous ammonia; [or]

40 (m) Ammonium nitrate;

41 **(n) Any government document; or**

42 **(o) Any document of historical significance.**

43 4. If an actor appropriates any material with a value less than five hundred dollars in
44 violation of this section with the intent to use such material to manufacture, compound, produce,
45 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such
46 violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,
47 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class C felony.
48 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail
49 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

50 5. The theft of any item of property or services pursuant to subsection 3 of this section
51 which exceeds five hundred dollars may be considered a separate felony and may be charged in
52 separate counts.

53 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection
54 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection
55 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars
56 is guilty of a class B felony.

57 7. Any offense in which the value of property or services is an element is a class B felony
58 if the value of the property or services equals or exceeds twenty-five thousand dollars.

59 8. Any violation of this section for which no other penalty is specified in this section is
60 a class A misdemeanor.

 570.200. As used in this act, unless the context clearly indicates otherwise, the following
2 terms shall mean:

3 (1) "Library", any public library or any library of an educational, historical or
4 eleemosynary institution, organization or society; **any museum; any repository of public or**
5 **institutional records; or any archive;**

6 (2) "Library card", a card or other device utilized by a library for purposes of identifying
7 a person authorized to borrow library material, subject to all limitations and conditions imposed
8 on such borrowing by the library issuing or honoring such card;

9 (3) "Library material", any book, plate, picture, photograph, engraving, painting,
10 sculpture, artifact, drawing, map, newspaper, microform, sound recording, audiovisual material,
11 magnetic or other tape, electronic data processing record or other document, written or printed
12 material, regardless of physical form or characteristic, which is a constituent element of a
13 library's collection or any part thereof, belonging to, on loan to, or otherwise in the custody of
14 a library;

15 (4) "Notice in writing", any notice deposited as certified or registered mail in the United
16 States mail and addressed to the person at his address as it appears on the library card or to his
17 last known address. The notice shall contain a statement that failure to return the library material
18 within ten days of receipt of the notice may subject the user to criminal prosecution;

19 (5) "Premises of a library", a building structure or other enclosure in which a library is
20 located or in which the library keeps, displays and makes available for inspection, borrowing or
21 return of library materials.

 570.210. 1. A person commits the crime of library theft if with the purpose to deprive,
2 [he] **such person:**

3 (1) Knowingly removes any library material from the premises of a library without
4 authorization; or

5 (2) Borrows or attempts to borrow any library material from a library by use of a library

6 card:

7 (a) Without the consent of the person to whom it was issued; or

8 (b) Knowing that the library card is revoked, canceled or expired; or

9 (c) Knowing that the library card is falsely made, counterfeit or materially altered; or

10 (3) Borrows library material from any library pursuant to an agreement or procedure
11 established by the library which requires the return of such library material and, with the purpose
12 to deprive the library of the library material, fails to return the library material to the library; **or**

13 **(4) Knowingly writes on, injures, defaces, tears, cuts, mutilates, or destroys a book,**
14 **document, or other library material belonging to, on loan to, or otherwise in the custody**
15 **of a library.**

16 2. It shall be prima facie evidence of the person's purpose to deprive the library of the
17 library materials if, within ten days after notice in writing deposited as certified mail from the
18 library demanding the return of such library material, [he] **such person** without good cause
19 shown fails to return the library material. A person is presumed to have received the notice
20 required by this subsection if the library mails such notice to the last address provided to the
21 library by such person.

22 3. The crime of library theft [is a class C felony if the value of the library material is five
23 hundred dollars or more; otherwise, library theft is a class C misdemeanor.] **pursuant to**
24 **subdivisions (1), (2), and (4) of subsection 1 of this section is a class A misdemeanor if the**
25 **value of the library materials is less than five hundred dollars. The crime of library theft**
26 **pursuant to subdivision (3) of subsection 1 of this section is a class C misdemeanor if the**
27 **value of the library material is less than five hundred dollars.**

28 **4. The crime of library theft pursuant to subsection 1 of this section is a class C**
29 **felony if the value of the library material is five hundred dollars or more but less than**
30 **twenty-five thousand dollars, and it is a class B felony if the value of the library material**
31 **is equal to or more than twenty-five thousand dollars.**

575.110. 1. A person commits the crime of tampering with a public record if with the
2 purpose to impair the verity, legibility or availability of a public record:

3 (1) [He] **Such person** knowingly makes a false entry in or falsely alters any public
4 record; [or]

5 (2) Knowing [he] **such person** lacks authority to do so, [he] **such person** destroys,
6 suppresses or conceals any public record[.]; **or**

7 **(3) If such person is a civil or military officer, such person knowingly fails to deliver**
8 **such person's successor all records, books, or papers as required by section 109.010, RSMo.**

9 2. Tampering with a public record is a class [A misdemeanor] **D felony.**