

SECOND REGULAR SESSION

HOUSE BILL NO. 2097

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COX.

Read 1st time February 12, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4975L.01I

AN ACT

To repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing, with penalty provisions.

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

Section A. Section 570.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 570.030, to read as follows: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

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

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 actor takes property from a mercantile establishment and:**

25 (a) **In order to facilitate the theft, the person leaves the establishment through a**
26 **designated emergency exit; or**

27 (b) **At the time of the theft, the person is in possession of an item, article,**
28 **implement, or device designed to overcome security systems including, but not limited to,**
29 **lined bags or tag removers; or**

30 (c) **The person commits theft at three or more separate and distinct mercantile**
31 **establishments within a ninety-day period; or**

32 (4) The property appropriated consists of:

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

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

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

36 (d) Any firearms; or

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

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

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

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

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

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

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

47 (l) Anhydrous ammonia;

48 (m) Ammonium nitrate; or

49 (n) Any document of historical significance which has fair market value of five hundred
50 dollars or more.

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

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

61 6. Any person with a prior conviction of paragraph (i) of subdivision [(3)] (4) of
62 subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision [(3)]
63 (4) of subsection 3 of this section when the value of the animal or animals stolen exceeds three
64 thousand dollars is guilty of a class B felony.

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

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

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