

SECOND REGULAR SESSION

# HOUSE BILL NO. 2199

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DIECKHAUS (Sponsor), FUNDERBURK, GRISAMORE,  
EMERY AND RUESTMAN (Co-sponsors).

3070L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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Section A. Section 570.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 570.030, to read as follows: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 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) Any explosive weapon as defined in section 571.010, RSMo; or

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

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

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

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

37 (j) Any animal considered livestock as that term is defined in section 144.010, RSMo;

38 or

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

40 (l) Captive wildlife held under permit issued by the conservation commission; or

41 (m) Any controlled substance as defined by section 195.010, RSMo; or

42 (n) Anhydrous ammonia;

43 (o) Ammonium nitrate; or

44 (p) Any document of historical significance which has fair market value of five hundred  
45 dollars or more; or

46 **(4) The value of the property or services appropriated from any patient or resident**  
47 **of a health care facility, as defined in section 197.305, is less than twenty-five thousand**  
48 **dollars.**

49 4. If an actor appropriates any material with a value less than five hundred dollars in  
50 violation of this section with the intent to use such material to manufacture, compound, produce,  
51 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such

52 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,  
53 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony.  
54 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail  
55 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

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

59 6. Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of  
60 subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision  
61 (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three  
62 thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the  
63 contrary, such person shall serve a minimum prison term of not less than eighty percent of his  
64 or her sentence before he or she is eligible for probation, parole, conditional release, or other  
65 early release by the department of corrections.

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

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

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