

SECOND REGULAR SESSION

HOUSE BILL NO. 1245

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SATER.

3103L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 367.055, RSMo, and to enact in lieu thereof one new section relating to pawnshops.

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

Section A. Section 367.055, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 367.055, to read as follows:

- 367.055. 1. **A law enforcement officer may request that a pawnbroker not sell property that is described on information furnished by the pawnbroker under subdivisions (1) to (4) of subsection 1 of section 367.031. Such request may be made verbally, electronically, by fax, or by any other means designated by the law enforcement officer. If a law enforcement officer makes such request, the pawnbroker shall not sell or remove the property from the premises within ten days of the request.**
2. Upon request of a law enforcement officer to inspect property that is described in information furnished by the pawnbroker pursuant to subdivisions (1) to (4) of subsection 1 of section 367.031, the law enforcement officer shall be entitled to inspect the property described, without prior notice or the necessity of obtaining a search warrant during regular business hours in a manner so as to minimize interference with or delay to the pawnbroker's business operation. When a law enforcement officer has probable cause to believe that goods or property in the possession of a pawnbroker are misappropriated, the officer may place a hold order on the property. The hold order shall contain the following:
- (1) The name of the pawnbroker;
 - (2) The name and mailing address of the pawnshop where the property is held;

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.

17 (3) The name, title and identification number of the law enforcement officer placing the
18 hold order;

19 (4) The name and address of the agency to which the law enforcement officer is attached
20 and the claim or case number, if any, assigned by the agency to the claim regarding the property;

21 (5) A complete description of the property to be held including model and serial
22 numbers;

23 (6) The expiration date of the holding period.
24

25 The hold order shall be signed and dated by the issuing officer and signed and dated by the
26 pawnbroker or the pawnbroker's designee as evidence of the hold order's issuance by the officer,
27 receipt by the pawnbroker and the beginning of the initial holding period. The officer issuing
28 the hold order shall provide an executed copy of the hold order to the pawnbroker for the
29 pawnbroker's record-keeping purposes at no cost to the pawnbroker.

30 [2.] 3. Upon receiving the hold order, and subject to the provisions of section 367.047,
31 the pawnbroker shall retain physical possession of the property subject to the order in a secured
32 area. The initial holding period of the hold order shall not exceed two months, except that the
33 hold order may be extended for up to two successive one-month holding periods upon written
34 notification prior to the expiration of the immediately preceding holding period. A hold order
35 may be released prior to the expiration of any holding period or extension thereof by written
36 release from the agency placing the initial hold order. The initial hold order shall be deemed
37 expired upon the expiration date if the holding period is not extended pursuant to this subsection.

38 [3.] 4. Upon the expiration of the initial holding period or any extension thereof, the
39 pawnbroker shall deliver written notice to the law enforcement officer issuing the hold order that
40 such order has expired and that title to the property subject to the hold order will vest in the
41 pawnbroker in ten business days. Ownership shall only vest in the pawnbroker upon the
42 expiration of the ten-day waiting period subject to any restriction contained in the pawn contract
43 and subject to the provisions of sections 367.044 to 367.053. Vesting of title and ownership
44 shall be subject to any claim asserted by a claimant pursuant to section 367.044.

45 [4.] 5. In addition to the penalty provisions contained in section 367.050, gross
46 negligence or willful noncompliance with the provisions of this section by a pawnbroker shall
47 be cause for the licensing authority to suspend or revoke the pawnbroker's license. Any imposed
48 suspensions or revocation provided for by this subsection may be appealed by the pawnbroker
49 to the licensing authority or to a court of competent jurisdiction.

50 [5.] 6. A county or municipality may enact orders or ordinances to license or regulate the
51 operations of pawnbrokers which are consistent with and not more restrictive than the provisions
52 of sections 367.011 to 367.055, except that municipalities located in any county with a charter

53 form of government having a population greater than one million inhabitants or any city not
54 within a county may regulate the number of pawnshop licensees.

55 [6.] 7. All records and information that relate to a pawnbroker's pawn, purchase or trade
56 transactions and that are delivered to or otherwise obtained by an appropriate law enforcement
57 officer pursuant to sections 367.031 and 367.040 are confidential and may be used only by such
58 appropriate law enforcement officer and only for the following official law enforcement
59 purposes:

60 (1) The investigation of a crime specifically involving the item of property delivered to
61 the pawnbroker in a pawn, purchase or trade transaction;

62 (2) The investigation of a pawnbroker's possible specific violation of the record-keeping
63 or reporting requirements of sections 367.031 and 367.040, but only when the appropriate law
64 enforcement officer, based on a review of the records and the information received, has probable
65 cause to believe that such a violation occurred; and

66 (3) The notification of property crime victims of where property that has been reported
67 misappropriated can be located.

✓