

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 1088, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

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

8 (1) Copper, brass, or bronze;

9 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

10 (3) Material containing copper or aluminum that is knowingly used for farming purposes as
11 farming is defined in section 350.010; whatever may be the condition or length of such metal;

12 (4) Catalytic converter; or

13 (5) Motor vehicle, heavy equipment, or tractor battery.

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

15 (1) A copy of the driver's license, or other photo identification issued by the state or by the
16 United States government or agency thereof, ~~[to]~~ of the person from whom the material is obtained;

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

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

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

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

23 3. The records required under this section shall be maintained for a minimum of ~~[twenty-~~
24 ~~four months]~~ thirty-six months from when such material is obtained and shall be available for
25 inspection by any law enforcement officer.

26 4. ~~[Anyone convicted of violating this section shall be guilty of a class B misdemeanor.]~~ No
27 transaction that includes a catalytic converter shall occur at any location other than the primary
28 place of business of the purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand
29 property. No catalytic converter shall be altered, modified, disassembled, or destroyed until it has
30 been in the purchaser's, collector's, or dealer's possession for five business days.

31 5. Anyone licensed under section 301.218 who is convicted of knowingly purchasing a
32 stolen catalytic converter shall be subject to the following penalties:

33 (1) For a first violation, a fine in the amount of five-thousand dollars;

34 (2) For a second violation, a fine in the amount of ten-thousand dollars; and

35 (3) For a third violation, revocation of the license for a business described under section
36 301.218.

Action Taken _____ Date _____

6. This section shall not apply to any of the following transactions:

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

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business, and for which the seller is paid by check or by electronic funds transfer; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications, unless the material is a catalytic converter that is not operationally installed in a motor vehicle.

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

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

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

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

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

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

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;

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

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

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

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

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

(1) The value of the property or services appropriated is seven hundred fifty dollars or more;

(2) The offender physically takes the property appropriated from the person of the victim; or

1 (3) The property appropriated consists of:
 2 (a) Any motor vehicle, watercraft or aircraft;
 3 (b) Any will or unrecorded deed affecting real property;
 4 (c) Any credit device, debit device or letter of credit;
 5 (d) Any firearms;
 6 (e) Any explosive weapon as defined in section 571.010;
 7 (f) Any United States national flag designed, intended and used for display on buildings or
 8 stationary flagstaffs in the open;
 9 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
 10 legislature of the state of Missouri;
 11 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
 12 any other state or of the United States;
 13 (i) Any book of registration or list of voters required by chapter 115;
 14 (j) Any animal considered livestock as that term is defined in section 144.010;
 15 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
 16 (l) Any captive wildlife held under permit issued by the conservation commission;
 17 (m) Any controlled substance as defined by section 195.010;
 18 (n) Ammonium nitrate;
 19 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
 20 telecommunications, video, internet, or voice over internet protocol service, or any other device or
 21 pipe that is associated with conducting electricity or transporting natural gas or other combustible
 22 fuels; or
 23 (p) Any material appropriated with the intent to use such material to manufacture,
 24 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
 25 analogues.
 26 6. The offense of stealing is a class E felony if:
 27 (1) The property appropriated is an animal; [or]
 28 (2) The property is a catalytic converter; or
 29 (3) A person has previously been found guilty of three stealing-related offenses committed
 30 on three separate occasions where such offenses occurred within ten years of the date of occurrence
 31 of the present offense.
 32 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in
 33 subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred
 34 fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.
 35 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
 36 section.
 37 9. If a violation of this section is subject to enhanced punishment based on prior findings of
 38 guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section
 39 558.021.
 40 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6
 41 of this section or of a value of seven hundred fifty dollars or more may be considered a separate
 42 felony and may be charged in separate counts.
 43 11. The value of property or services appropriated pursuant to one scheme or course of
 44 conduct, whether from the same or several owners and whether at the same or different times,
 45 constitutes a single criminal episode and may be aggregated in determining the grade of the offense,
 46 except as set forth in subsection 10 of this section."; and
 47
 48 Further amend said bill by amending the title, enacting clause, and intersectional references
 49 accordingly.