

FIRST REGULAR SESSION

# HOUSE BILL NO. 69

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BILLINGTON.

0079H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 407.300 and 570.030, RSMo, and to enact in lieu thereof two new sections relating to the sale of copper, with penalty provisions.

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

Section A. Sections 407.300 and 570.030, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 407.300 and 570.030, to read as follows:

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of material subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

- (1) Copper, brass, or bronze;
- (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;
- (3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;
- (4) Catalytic converter; or
- (5) Motor vehicle, heavy equipment, or tractor battery.

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

- (1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;
- (2) The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;
- (3) The date, time, and place of the transaction;

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.

- 18 (4) The license plate number of the vehicle used by the seller during the transaction; **and**  
19 (5) A full description of the material, including the weight and purchase price.

20 3. **For any purchase of copper, every purchaser or collector of, or dealer in, junk,**  
21 **scrap metal, or any secondhand property shall require from the seller either a bill of sale**  
22 **that indicates or an affidavit that attests that the copper being sold was acquired lawfully.**

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

26 [4.] 5. Anyone convicted of violating this section shall be guilty of a class B  
27 misdemeanor.

28 ~~[5. This section shall not apply to any of the following transactions:~~

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

31 ~~—— (2) Any transaction for which the seller, including a farm or farmer, has an existing~~  
32 ~~business relationship with the scrap metal dealer and is known to the scrap metal dealer making~~  
33 ~~the purchase to be an established business or political subdivision that operates a business with~~  
34 ~~a fixed location that can be reasonably expected to generate regulated scrap metal and can be~~  
35 ~~reasonably identified as such a business; or~~

36 ~~—— (3) Any transaction for which the type of metal subject to subsection 1 of this section is~~  
37 ~~a minor part of a larger item, except for equipment used in the generation and transmission of~~  
38 ~~electrical power or telecommunications.]~~

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

2 (1) Appropriates property or services of another with the purpose to deprive him or her  
3 thereof, either without his or her consent or by means of deceit or coercion;

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

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

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

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

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

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

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

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

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

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

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

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

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

41           (3) The property appropriated consists of:

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

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

44           (c) Any credit device, debit device or letter of credit;

45           (d) Any firearms;

46           (e) Any explosive weapon as defined in section 571.010;

47           (f) Any United States national flag designed, intended and used for display on buildings  
48 or stationary flagstaffs in the open;

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

- 51 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,  
52 any other state or of the United States;
- 53 (i) Any book of registration or list of voters required by chapter 115;
- 54 (j) Any animal considered livestock as that term is defined in section 144.010;
- 55 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
- 56 (l) Any captive wildlife held under permit issued by the conservation commission;
- 57 (m) Any controlled substance as defined by section 195.010;
- 58 (n) Ammonium nitrate;
- 59 (o) Any wire, electrical transformer, or metallic wire associated with transmitting  
60 telecommunications, video, internet, or voice over internet protocol service, or any other device  
61 or pipe that is associated with conducting electricity or transporting natural gas or other  
62 combustible fuels; or
- 63 (p) Any material appropriated with the intent to use such material to manufacture,  
64 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their  
65 analogues.
- 66 6. The offense of stealing is a class E felony if:
- 67 (1) The property appropriated is an animal; or
- 68 (2) A person has previously been found guilty of three stealing-related offenses  
69 committed on three separate occasions where such offenses occurred within ten years of the date  
70 of occurrence of the present offense.
- 71 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed  
72 in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one  
73 hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related  
74 offense.
- 75 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this  
76 section.
- 77 9. If a violation of this section is subject to enhanced punishment based on prior findings  
78 of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by  
79 section 558.021.
- 80 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5,  
81 or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a  
82 separate felony and may be charged in separate counts.
- 83 11. The value of property or services appropriated pursuant to one scheme or course of  
84 conduct, whether from the same or several owners and whether at the same or different times,  
85 constitutes a single criminal episode and may be aggregated in determining the grade of the  
86 offense, except as set forth in subsection 10 of this section.

87           **12. A person who pleads or is found guilty of the offense of stealing for**  
88 **appropriating copper shall be prohibited from selling copper for ten years following the**  
89 **date of conviction. A violation of this subsection is a class B misdemeanor.**

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