

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799,
2 Page 14, Section 559.115, Line 71, by inserting after all of said section and line the following:

3
4 "569.010. As used in this chapter the following terms mean:

5 (1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a person
6 including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the
7 opening has a natural entrance;

8 (2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises
9 when he or she is not licensed or privileged to do so. A person who, regardless of his or her
10 purpose, enters or remains in or upon premises which are at the time open to the public does so with
11 license and privilege unless he or she defies a lawful order not to enter or remain, personally
12 communicated to him or her by the owner of such premises or by other authorized person. A license
13 or privilege to enter or remain in a building which is only partly open to the public is not a license or
14 privilege to enter or remain in that part of the building which is not open to the public;

15 (3) "Nuclear power plant", a power generating facility that produces electricity by means of
16 a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant shall be limited to
17 property within the structure or fenced yard, as defined in section 563.011;

18 (4) "To tamper", to interfere with something improperly, to meddle with it, displace it, make
19 unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor
20 of that thing;

21 (5) "Teller machine", an automated teller machine (ATM) or interactive teller machine
22 (ITM) is a remote computer terminal owned or controlled by a financial institution or a private
23 business that allows individuals to obtain financial services including obtaining cash, transferring or
24 transmitting money or digital currencies, payment of bills, loading money or digital currency to a
25 payment card or other device without physical in-person assistance from another person. "Teller
26 machine" does not include personally owned electronic devices used to access financial services;

27 [(5)] (6) "Utility", an enterprise which provides gas, electric, steam, water, sewage disposal,
28 or communication, video, internet, or voice over internet protocol services, and any common carrier.
29 It may be either publicly or privately owned or operated.

30 569.100. 1. A person commits the offense of property damage in the first degree if such

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1 person:

2 (1) Knowingly damages property of another to an extent exceeding seven hundred fifty
3 dollars; or

4 (2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of
5 defrauding an insurer; [or]

6 (3) Knowingly damages a motor vehicle of another and the damage occurs while such
7 person is making entry into the motor vehicle for the purpose of committing the crime of stealing
8 therein or the damage occurs while such person is committing the crime of stealing within the motor
9 vehicle; or

10 (4) Knowingly damages, modifies, or destroys a teller machine or otherwise makes it
11 inoperable.

12 2. The offense of property damage in the first degree committed under subdivision (1) or (2)
13 of subsection 1 of this section is a class E felony, unless the offense of property damage in the first
14 degree was committed under subdivision (1) of subsection 1 of this section and the victim was
15 intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is
16 targeted because he or she is a relative within the second degree of consanguinity or affinity to a law
17 enforcement officer, in which case it is a class D felony. The offense of property damage in the first
18 degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless
19 committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in
20 which case it is a class B felony. The offense of property damage in the first degree committed
21 under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the
22 purpose of executing any scheme or artifice to defraud or obtain any property, the value of which
23 exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty
24 dollars in which case it is a class C felony; or unless committed to obtain the personal financial
25 credentials of another person or committed as a second or subsequent violation of subdivision (4) of
26 subsection 1 of this section in which case it is a class B felony.

27 570.010. As used in this chapter, the following terms mean:

28 (1) "Adulterated", varying from the standard of composition or quality prescribed by statute
29 or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by
30 commercial usage;

31 (2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;

32 (3) "Check", a check or other similar sight order or any other form of presentment involving
33 the transmission of account information for the payment of money;

34 (4) "Coercion", a threat, however communicated:

35 (a) To commit any offense; or

36 (b) To inflict physical injury in the future on the person threatened or another; or

37 (c) To accuse any person of any offense; or

38 (d) To expose any person to hatred, contempt or ridicule; or

39 (e) To harm the credit or business reputation of any person; or

1 (f) To take or withhold action as a public servant, or to cause a public servant to take or
2 withhold action; or

3 (g) To inflict any other harm which would not benefit the actor. A threat of accusation,
4 lawsuit or other invocation of official action is justified and not coercion if the property sought to be
5 obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm
6 done in the circumstances to which the accusation, exposure, lawsuit or other official action relates,
7 or as compensation for property or lawful service. The defendant shall have the burden of injecting
8 the issue of justification as to any threat;

9 (5) "Credit device", a writing, card, code, number or other device purporting to evidence an
10 undertaking to pay for property or services delivered or rendered to or upon the order of a
11 designated person or bearer;

12 (6) "Dealer", a person in the business of buying and selling goods;

13 (7) "Debit device", a writing, card, code, number or other device, other than a check, draft
14 or similar paper instrument, by the use of which a person may initiate an electronic fund transfer,
15 including but not limited to devices that enable electronic transfers of benefits to public assistance
16 recipients;

17 (8) "Deceit or deceive", making a representation which is false and which the actor does not
18 believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or
19 other state of mind, or concealing a material fact as to the terms of a contract or agreement. The
20 term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or
21 puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to
22 the actor's intention to perform a promise shall not be inferred from the fact alone that he did not
23 subsequently perform the promise;

24 (9) "Deprive":

25 (a) To withhold property from the owner permanently; or

26 (b) To restore property only upon payment of reward or other compensation; or

27 (c) To use or dispose of property in a manner that makes recovery of the property by the
28 owner unlikely;

29 (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps or
30 cash benefits issued by the department of social services;

31 (11) "Financial institution", a bank, trust company, savings and loan association, or credit
32 union;

33 (12) "Food stamps", the nutrition assistance program in Missouri that provides food and aid
34 to low-income individuals who are in need of benefits to purchase food operated by the United
35 States Department of Agriculture (USDA) in conjunction with the department of social services;

36 (13) "Forcibly steals", a person, in the course of stealing, uses or threatens the immediate
37 use of physical force upon another person for the purpose of:

38 (a) Preventing or overcoming resistance to the taking of the property or to the retention
39 thereof immediately after the taking; or

1 (b) Compelling the owner of such property or another person to deliver up the property or to
2 engage in other conduct which aids in the commission of the theft;

3 (14) "Internet service", an interactive computer service or system or an information service,
4 system, or access software provider that provides or enables computer access by multiple users to a
5 computer server, and includes, but is not limited to, an information service, system, or access
6 software provider that provides access to a network system commonly known as the internet, or any
7 comparable system or service and also includes, but is not limited to, a world wide web page,
8 newsgroup, message board, mailing list, or chat area on any interactive computer service or system
9 or other online service;

10 (15) "Means of identification", anything used by a person as a means to uniquely distinguish
11 himself or herself;

12 (16) "Merchant", a person who deals in goods of the kind or otherwise by his or her
13 occupation holds oneself out as having knowledge or skill peculiar to the practices or goods
14 involved in the transaction or to whom such knowledge or skill may be attributed by his or her
15 employment of an agent or broker or other intermediary who by his or her occupation holds oneself
16 out as having such knowledge or skill;

17 (17) "Mislabeled", varying from the standard of truth or disclosure in labeling prescribed by
18 statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as
19 set by commercial usage; or represented as being another person's product, though otherwise
20 accurately labeled as to quality and quantity;

21 (18) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical
22 house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled
23 substance as defined in chapter 195;

24 (19) "Property", anything of value, whether real or personal, tangible or intangible, in
25 possession or in action, and shall include but not be limited to the evidence of a debt actually
26 executed but not delivered or issued as a valid instrument;

27 (20) "Public assistance benefits", anything of value, including money, food, EBT cards, food
28 stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials,
29 goods, and any service including institutional care, medical care, dental care, child care, psychiatric
30 and psychological service, rehabilitation instruction, training, transitional assistance, or counseling,
31 received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or
32 benefits, programs, and services provided or administered by the Missouri department of social
33 services or any of its divisions;

34 (21) "Services" includes transportation, telephone, electricity, gas, water, or other public
35 service, cable television service, video service, voice over internet protocol service, or internet
36 service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of
37 vehicles;

38 (22) "Stealing-related offense", federal and state violations of criminal statutes against
39 stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances

1 against the same if the offender was either represented by counsel or knowingly waived counsel in
 2 writing and the judge accepting the plea or making the findings was a licensed attorney at the time
 3 of the court proceedings;

4 (23) "Teller machine", an automated teller machine (ATM) or interactive teller machine
 5 (ITM) is a remote computer terminal owned or controlled by a financial institution or a private
 6 business that allows individuals to obtain financial services including obtaining cash, transferring or
 7 transmitting money or digital currencies, payment of bills, loading money or digital currency to a
 8 payment card or other device without physical in-person assistance from another person. "Teller
 9 machine" does not include personally owned electronic devices used to access financial services;

10 ~~[(23)]~~ (24) "Video service", the provision of video programming provided through wireline
 11 facilities located at least in part in the public right-of-way without regard to delivery technology,
 12 including internet protocol technology whether provided as part of a tier, on demand, or a per-
 13 channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but
 14 does not include any video programming provided by a commercial mobile service provider as
 15 "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming
 16 provided solely as part of and via a service that enables users to access content, information,
 17 electronic mail, or other services offered over the public internet, and includes microwave television
 18 transmission, from a multipoint distribution service not capable of reception by conventional
 19 television receivers without the use of special equipment;

20 ~~[(24)]~~ (25) "Voice over internet protocol service", a service that:

- 21 (a) Enables real-time, two-way voice communication;
- 22 (b) Requires a broadband connection from the user's location;
- 23 (c) Requires internet protocol-compatible customer premises equipment; and
- 24 (d) Permits users generally to receive calls that originate on the public switched telephone
 25 network and to terminate calls to the public switched telephone network;

26 ~~[(25)]~~ (26) "Writing" includes printing, any other method of recording information, money,
 27 coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other
 28 symbols of value, right, privilege or identification.

29 570.030. 1. A person commits the offense of stealing if he or she:

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

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

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

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

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

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

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

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

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

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

22 4. The offense of stealing is a class C felony if the value of the property or services
23 appropriated is twenty-five thousand dollars or more or the property is a teller machine or the
24 contents of a teller machine including cash regardless of the value or amount.

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

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

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

28 (3) The property appropriated consists of:

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

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

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

32 (d) Any firearms;

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

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

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

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

- 1 (i) Any book of registration or list of voters required by chapter 115;
- 2 (j) Any animal considered livestock as that term is defined in section 144.010;
- 3 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
- 4 (l) Any captive wildlife held under permit issued by the conservation commission;
- 5 (m) Any controlled substance as defined by section 195.010;
- 6 (n) Ammonium nitrate;
- 7 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
- 8 telecommunications, video, internet, or voice over internet protocol service, or any other device or
- 9 pipe that is associated with conducting electricity or transporting natural gas or other combustible
- 10 fuels; or
- 11 (p) Any material appropriated with the intent to use such material to manufacture,
- 12 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
- 13 analogues.
- 14 6. The offense of stealing is a class E felony if:
- 15 (1) The property appropriated is an animal;
- 16 (2) The property is a catalytic converter; or
- 17 (3) A person has previously been found guilty of three stealing-related offenses committed
- 18 on three separate occasions where such offenses occurred within ten years of the date of occurrence
- 19 of the present offense.
- 20 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in
- 21 subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred
- 22 fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.
- 23 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
- 24 section.
- 25 9. If a violation of this section is subject to enhanced punishment based on prior findings of
- 26 guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section
- 27 558.021.
- 28 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6
- 29 of this section or of a value of seven hundred fifty dollars or more may be considered a separate
- 30 felony and may be charged in separate counts.
- 31 11. The value of property or services appropriated pursuant to one scheme or course of
- 32 conduct, whether from the same or several owners and whether at the same or different times,
- 33 constitutes a single criminal episode and may be aggregated in determining the grade of the offense,
- 34 except as set forth in subsection 10 of this section."; and
- 35
- 36 Further amend said bill by amending the title, enacting clause, and intersectional references
- 37 accordingly.