

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 23, Page 33, Section
2 407.828, Line 121, 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) "Teller machine", an automated teller machine (ATM) or interactive teller machine
19 (ITM) that is a remote computer terminal or other device owned or controlled by a financial
20 institution or a private business that allows individuals to obtain financial services, including
21 obtaining cash, transferring or transmitting moneys or digital currencies, payment of bills, or
22 loading moneys or digital currency to a payment card, without physical in-person assistance from
23 another person. "Teller machine" does not include personally owned electronic devices used to
24 access financial services;

25 (5) "To tamper", to interfere with something improperly, to meddle with it, displace it, make
26 unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor
27 of that thing;

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

Action Taken _____ Date _____

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

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

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

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

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

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

569.190. 1. A person commits the offense of tampering with a teller machine if he or she knowingly and without authorization or reasonable grounds to believe that he or she has authorization:

(1) Modifies, destroys, damages, or takes a teller machine; or

(2) Otherwise renders a teller machine inoperable.

2. The offense of tampering with a teller machine is a class D felony unless:

(1) The offense is committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which is one thousand dollars or more, or to obtain the personal financial credentials of another person; or

(2) The damage to the teller machine is one thousand dollars or more,

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2 in which case it is a class C felony.

3 570.010. As used in this chapter, the following terms mean:

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

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

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

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

11 (a) To commit any offense; or

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

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

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

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

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

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

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

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

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

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

39 (9) "Deprive":

- 1 (a) To withhold property from the owner permanently; or
2 (b) To restore property only upon payment of reward or other compensation; or
3 (c) To use or dispose of property in a manner that makes recovery of the property by the
4 owner unlikely;
- 5 (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps or
6 cash benefits issued by the department of social services;
- 7 (11) "Financial institution", a bank, trust company, savings and loan association, or credit
8 union;
- 9 (12) "Food stamps", the nutrition assistance program in Missouri that provides food and aid
10 to low-income individuals who are in need of benefits to purchase food operated by the United
11 States Department of Agriculture (USDA) in conjunction with the department of social services;
- 12 (13) "Forcibly steals", a person, in the course of stealing, uses or threatens the immediate
13 use of physical force upon another person for the purpose of:
- 14 (a) Preventing or overcoming resistance to the taking of the property or to the retention
15 thereof immediately after the taking; or
- 16 (b) Compelling the owner of such property or another person to deliver up the property or to
17 engage in other conduct which aids in the commission of the theft;
- 18 (14) "Internet service", an interactive computer service or system or an information service,
19 system, or access software provider that provides or enables computer access by multiple users to a
20 computer server, and includes, but is not limited to, an information service, system, or access
21 software provider that provides access to a network system commonly known as the internet, or any
22 comparable system or service and also includes, but is not limited to, a world wide web page,
23 newsgroup, message board, mailing list, or chat area on any interactive computer service or system
24 or other online service;
- 25 (15) "Means of identification", anything used by a person as a means to uniquely distinguish
26 himself or herself;
- 27 (16) "Merchant", a person who deals in goods of the kind or otherwise by his or her
28 occupation holds oneself out as having knowledge or skill peculiar to the practices or goods
29 involved in the transaction or to whom such knowledge or skill may be attributed by his or her
30 employment of an agent or broker or other intermediary who by his or her occupation holds oneself
31 out as having such knowledge or skill;
- 32 (17) "Mislabeled", varying from the standard of truth or disclosure in labeling prescribed by
33 statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as
34 set by commercial usage; or represented as being another person's product, though otherwise
35 accurately labeled as to quality and quantity;
- 36 (18) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical
37 house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled
38 substance as defined in chapter 195;

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

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

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

15 (22) "Stealing-related offense", federal and state violations of criminal statutes against
 16 stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances
 17 against the same if the offender was either represented by counsel or knowingly waived counsel in
 18 writing and the judge accepting the plea or making the findings was a licensed attorney at the time
 19 of the court proceedings;

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

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

37 ~~[(24)]~~ (25) "Voice over internet protocol service", a service that:

38 (a) Enables real-time, two-way voice communication;

39 (b) Requires a broadband connection from the user's location;

1 (c) Requires internet protocol-compatible customer premises equipment; and

2 (d) Permits users generally to receive calls that originate on the public switched telephone
3 network and to terminate calls to the public switched telephone network;

4 [(25)] (26) "Writing" includes printing, any other method of recording information, money,
5 coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other
6 symbols of value, right, privilege or identification.

7 570.030. 1. A person commits the offense of stealing if he or she:

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

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

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

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

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

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

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

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

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

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

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

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

- 5 (1) The value of the property or services appropriated is seven hundred fifty dollars or more;
6 (2) The offender physically takes the property appropriated from the person of the victim; or
7 (3) The property appropriated consists of:
8 (a) Any motor vehicle, watercraft or aircraft;
9 (b) Any will or unrecorded deed affecting real property;
10 (c) Any credit device, debit device or letter of credit;
11 (d) Any firearms;
12 (e) Any explosive weapon as defined in section 571.010;
13 (f) Any United States national flag designed, intended and used for display on buildings or
14 stationary flagstaffs in the open;
15 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
16 legislature of the state of Missouri;
17 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
18 any other state or of the United States;
19 (i) Any book of registration or list of voters required by chapter 115;
20 (j) Any animal considered livestock as that term is defined in section 144.010;
21 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
22 (l) Any captive wildlife held under permit issued by the conservation commission;
23 (m) Any controlled substance as defined by section 195.010;
24 (n) Ammonium nitrate;
25 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
26 telecommunications, video, internet, or voice over internet protocol service, or any other device or
27 pipe that is associated with conducting electricity or transporting natural gas or other combustible
28 fuels; or
29 (p) Any material appropriated with the intent to use such material to manufacture,
30 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
31 analogues.

32 6. The offense of stealing is a class E felony if:

- 33 (1) The property appropriated is an animal;
34 (2) The property is a catalytic converter; or
35 (3) A person has previously been found guilty of three stealing-related offenses committed
36 on three separate occasions where such offenses occurred within ten years of the date of occurrence
37 of the present offense.

1 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in
2 subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred
3 fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

4 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
5 section.

6 9. If a violation of this section is subject to enhanced punishment based on prior findings of
7 guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section
8 558.021.

9 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6
10 of this section or of a value of seven hundred fifty dollars or more may be considered a separate
11 felony and may be charged in separate counts.

12 11. The value of property or services appropriated pursuant to one scheme or course of
13 conduct, whether from the same or several owners and whether at the same or different times,
14 constitutes a single criminal episode and may be aggregated in determining the grade of the offense,
15 except as set forth in subsection 10 of this section."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.