

FIRST REGULAR SESSION

HOUSE BILL NO. 1557

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COSTLOW.

3132H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to the offense of stealing, with penalty provisions.

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

Section A. Section 570.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 570.030, to read as follows:

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

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

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

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

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

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

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

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

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

43 (3) The property appropriated consists of:

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

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

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

47 (d) Any firearms;

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

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

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

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

- 55 (i) Any book of registration or list of voters required by chapter 115;
- 56 (j) Any animal considered livestock as that term is defined in section 144.010;
- 57 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or
58 more;
- 59 (l) Any captive wildlife held under permit issued by the conservation commission;
- 60 (m) Any controlled substance as defined by section 195.010;
- 61 (n) Ammonium nitrate;
- 62 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
63 telecommunications, video, internet, or voice over internet protocol service, or any other
64 device or pipe that is associated with conducting electricity or transporting natural gas or
65 other combustible fuels; or
- 66 (p) Any material appropriated with the intent to use such material to manufacture,
67 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of
68 their analogues.
- 69 6. The offense of stealing is a class E felony if:
- 70 (1) The property appropriated is an animal;
- 71 (2) The property is a catalytic converter;
- 72 (3) A person has previously been found guilty of three stealing-related offenses
73 committed on three separate occasions where such offenses occurred within ten years of the
74 date of occurrence of the present offense; or
- 75 (4) The property appropriated is a letter, postal card, package, bag, or other sealed
76 article that was delivered by a common carrier or delivery service and not yet received by the
77 addressee or that had been left to be collected for shipment by a common carrier or delivery
78 service.
- 79 7. The offense of stealing is a class D misdemeanor if the property is not of a type
80 listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less
81 than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-
82 related offense.
- 83 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in
84 this section.
- 85 9. If a violation of this section is subject to enhanced punishment based on prior
86 findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as
87 required by section 558.021.
- 88 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5,
89 or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a
90 separate felony and may be charged in separate counts.

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

95 **12. (1) In any prosecution under this section, if a victim of an offense under this**
96 **section is deceased, the following shall constitute ownership of the property by the**
97 **victim:**

98 **(a) Documentation of ownership including, but not limited to, wills, property**
99 **deeds, bank statements, or other official records indicating the victim's ownership of the**
100 **property at the time the property was stolen;**

101 **(b) Testimony from legal heirs or representatives confirming ownership by the**
102 **victim; or**

103 **(c) Any relevant evidence that demonstrates the victim had a legal right to the**
104 **property in question.**

105 **(2) In cases in which a victim under this section is receiving end-of-life care in a**
106 **facility or in the victim's home and the victim passes away prior to the filing of a report**
107 **of a crime under this section, it shall be presumed that consent to ownership of property**
108 **located in such facility or home was not given by the victim to a person accused of**
109 **violating this section and such person was responsible for the care of the victim. The**
110 **burden of proof shall rest on the person accused of violating this section to demonstrate**
111 **that consent was given by the victim.**

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