

SECOND REGULAR SESSION

HOUSE BILL NO. 1390

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GASKILL.

Pre-filed January 8, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3643L.01I

AN ACT

To repeal section 570.030, RSMo, and to enact in lieu thereof two new sections relating to the United States national flag.

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

Section A. Section 570.030, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 563.082 and 570.030, to read as follows:

563.082. An act of desecration of the United States national flag in a public place shall be considered abandonment and any person may take possession of an abandoned flag.

570.030. 1. A person commits the crime of stealing if he or she 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 **except that any person may take possession of a United States national flag if that flag has been abandoned pursuant to section 563.082, RSMo.**

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage

15 from a hotel, inn or boardinghouse.

16 3. Stealing is a class C felony if:

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

19 (2) The actor physically takes the property appropriated from the person of the victim;
20 or

21 (3) The property appropriated consists of:

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

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

24 (c) Any credit card or letter of credit; or

25 (d) Any firearms; or

26 (e) A United States national flag designed, intended and used for display on buildings
27 or stationary flagstaffs in the open **and which has not been abandoned pursuant to section**
28 **563.082, RSMo**; or

29 (f) Any original copy of an act, bill or resolution, introduced or acted upon by the
30 legislature of the state of Missouri; or

31 (g) Any pleading, notice, judgment or any other record or entry of any court of this state,
32 any other state or of the United States; or

33 (h) Any book of registration or list of voters required by chapter 115, RSMo; or

34 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

35 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or

36 (k) Any controlled substance as defined by section 195.010, RSMo.

37 4. If an actor appropriates any material with a value less than one hundred fifty dollars
38 in violation of this section with the intent to use such material to manufacture, compound,
39 produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues,
40 then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid
41 nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class
42 C felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank
43 trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

44 5. The theft of any item of property or services under subsection 3 of this section which
45 exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in
46 separate counts.

47 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection
48 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection
49 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars
50 is guilty of a class B felony.

51 7. Any violation of this section for which no other penalty is specified in this section is
52 a class A misdemeanor.