

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1888

AN ACT

To repeal sections 150.465, 191.905, 252.235, 367.031, 367.044, 367.055, 569.095, 569.097, 569.099, 570.010, 570.020, 570.030, 570.040, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo, relating to stolen property and services, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 150.465, 191.905, 252.235, 367.031,
2 367.044, 367.055, 569.095, 569.097, 569.099, 570.010, 570.020,
3 570.030, 570.040, 570.080, 570.085, 570.090, 570.120, 570.123,
4 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379,
5 578.381 and 578.385, RSMo, are repealed and twenty-seven new
6 sections enacted in lieu thereof, to be known as sections
7 150.465, 191.905, 252.235, 367.031, 367.044, 367.055, 569.095,
8 569.097, 569.099, 570.010, 570.020, 570.030, 570.040, 570.080,
9 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210,
10 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, to read
11 as follows:
12 150.465. 1. No itinerant vendor as defined in section

1 150.380, and no peddler as defined in section 150.470, shall
2 offer for sale:

3 (1) Any food solely manufactured and packaged for sale for
4 consumption by a child under the age of two years; or

5 (2) Drugs, devices and cosmetics as defined in section
6 196.010, RSMo.

7 2. This section shall not apply to authorized agents of a
8 manufacturer of any item enumerated in subsection 1 of this
9 section.

10 3. Violation of this section is a class A misdemeanor.

11 4. Itinerant vendors and peddlers shall make available
12 within seventy-two hours upon request of any law enforcement
13 officer any proof of purchase from a producer, manufacturer,
14 wholesaler, or retailer of any new or unused property, as defined
15 in section 570.010, RSMo.

16 5. Any forged receipt produced pursuant to subsection 4 of
17 this section shall be prosecuted pursuant to section 570.090,
18 RSMo.

19 191.905. 1. No health care provider shall knowingly make
20 or cause to be made a false statement or false representation of
21 a material fact in order to receive a health care payment,
22 including but not limited to:

23 (1) Knowingly presenting to a health care payer a claim for
24 a health care payment that falsely represents that the health
25 care for which the health care payment is claimed was medically
26 necessary, if in fact it was not;

27 (2) Knowingly concealing the occurrence of any event
28 affecting an initial or continued right under a medical

1 assistance program to have a health care payment made by a health
2 care payer for providing health care;

3 (3) Knowingly concealing or failing to disclose any
4 information with the intent to obtain a health care payment to
5 which the health care provider or any other health care provider
6 is not entitled, or to obtain a health care payment in an amount
7 greater than that which the health care provider or any other
8 health care provider is entitled;

9 (4) Knowingly presenting a claim to a health care payer
10 that falsely indicates that any particular health care was
11 provided to a person or persons, if in fact health care of lesser
12 value than that described in the claim was provided.

13 2. No person shall knowingly solicit or receive any
14 remuneration, including any kickback, bribe, or rebate, directly
15 or indirectly, overtly or covertly, in cash or in kind in return
16 for:

17 (1) Referring another person to a health care provider for
18 the furnishing or arranging for the furnishing of any health
19 care; or

20 (2) Purchasing, leasing, ordering or arranging for or
21 recommending purchasing, leasing or ordering any health care.

22 3. No person shall knowingly offer or pay any remuneration,
23 including any kickback, bribe, or rebate, directly or indirectly,
24 overtly or covertly, in cash or in kind, to any person to induce
25 such person to refer another person to a health care provider for
26 the furnishing or arranging for the furnishing of any health
27 care.

28 4. Subsections 2 and 3 of this section shall not apply to a

1 discount or other reduction in price obtained by a health care
2 provider if the reduction in price is properly disclosed and
3 appropriately reflected in the claim made by the health care
4 provider to the health care payer, or any amount paid by an
5 employer to an employee for employment in the provision of health
6 care.

7 5. Exceptions to the provisions of subsections 2 and 3 of
8 this subsection shall be provided for as authorized in 42 U.S.C.
9 section 1320a-7b(3)(E), as may be from time to time amended, and
10 regulations promulgated pursuant thereto.

11 6. No person shall knowingly abuse a person receiving
12 health care.

13 7. A person who violates subsections 1 to 4 of this section
14 is guilty of a class D felony upon his first conviction, and
15 shall be guilty of a class C felony upon his second and
16 subsequent convictions. A prior conviction shall be pleaded and
17 proven as provided by section 558.021, RSMo. A person who
18 violates subsection 6 of this section shall be guilty of a class
19 C felony, unless the act involves no physical, sexual or
20 emotional harm or injury and the value of the property involved
21 is less than [one hundred fifty] five hundred dollars, in which
22 event a violation of subsection 6 of this section is a class A
23 misdemeanor.

24 8. Each separate false statement or false representation of
25 a material fact proscribed by subsection 1 of this section or act
26 proscribed by subsection 2 or 3 of this section shall constitute
27 a separate offense and a separate violation of this section,
28 whether or not made at the same or different times, as part of

1 the same or separate episodes, as part of the same scheme or
2 course of conduct, or as part of the same claim.

3 9. In a prosecution [under] pursuant to subsection 1 of
4 this section, circumstantial evidence may be presented to
5 demonstrate that a false statement or claim was knowingly made.
6 Such evidence of knowledge may include but shall not be limited
7 to the following:

8 (1) A claim for a health care payment submitted with the
9 health care provider's actual, facsimile, stamped, typewritten or
10 similar signature on the claim for health care payment;

11 (2) A claim for a health care payment submitted by means of
12 computer billing tapes or other electronic means;

13 (3) A course of conduct involving other false claims
14 submitted to this or any other health care payer.

15 10. Any person convicted of a violation of this section, in
16 addition to any fines, penalties or sentences imposed by law,
17 shall be required to make restitution to the federal and state
18 governments, in an amount at least equal to that unlawfully paid
19 to or by the person, and shall be required to reimburse the
20 reasonable costs attributable to the investigation and
21 prosecution pursuant to sections 191.900 to 191.910. All of such
22 restitution shall be paid and deposited to the credit of the
23 "Medicaid Fraud Reimbursement Fund", which is hereby established
24 in the state treasury. Moneys in the Medicaid fraud
25 reimbursement fund shall be divided and appropriated to the
26 federal government and affected state agencies in order to refund
27 moneys falsely obtained from the federal and state governments.
28 All of such cost reimbursements attributable to the investigation

1 and prosecution shall be paid and deposited to the credit of the
2 "Medicaid Fraud Prosecution Revolving Fund", which is hereby
3 established in the state treasury. Moneys in the Medicaid fraud
4 prosecution revolving fund may be appropriated to the attorney
5 general, or to any prosecuting or circuit attorney who has
6 successfully prosecuted an action for a violation of sections
7 191.900 to 191.910 and been awarded such costs of prosecution, in
8 order to defray the costs of the attorney general and any such
9 prosecuting or circuit attorney in connection with their duties
10 provided by sections 191.900 to 191.910. No moneys shall be paid
11 into the Medicaid fraud protection revolving fund pursuant to
12 this subsection unless the attorney general or appropriate
13 prosecuting or circuit attorney shall have commenced a
14 prosecution pursuant to this section, and the court finds in its
15 discretion that payment of attorneys' fees and investigative
16 costs is appropriate under all the circumstances, and the
17 attorney general and prosecuting or circuit attorney shall prove
18 to the court those expenses which were reasonable and necessary
19 to the investigation and prosecution of such case, and the court
20 approves such expenses as being reasonable and necessary. The
21 provisions of section 33.080, RSMo, notwithstanding, moneys in
22 the Medicaid fraud prosecution revolving fund shall not lapse at
23 the end of the biennium.

24 11. A person who violates subsections 1 to 4 of this
25 section shall be liable for a civil penalty of not less than five
26 thousand dollars and not more than ten thousand dollars for each
27 separate act in violation of such subsections, plus three times
28 the amount of damages which the state and federal government

1 sustained because of the act of that person, except that the
2 court may assess not more than two times the amount of damages
3 which the state and federal government sustained because of the
4 act of the person, if the court finds:

5 (1) The person committing the violation of this section
6 furnished personnel employed by the attorney general and
7 responsible for investigating violations of sections 191.900 to
8 191.910 with all information known to such person about the
9 violation within thirty days after the date on which the
10 defendant first obtained the information;

11 (2) Such person fully cooperated with any government
12 investigation of such violation; and

13 (3) At the time such person furnished the personnel of the
14 attorney general with the information about the violation, no
15 criminal prosecution, civil action, or administrative action had
16 commenced with respect to such violation, and the person did not
17 have actual knowledge of the existence of an investigation into
18 such violation.

19 12. Upon conviction [under] pursuant to this section, the
20 prosecution authority shall provide written notification of the
21 conviction to all regulatory or disciplinary agencies with
22 authority over the conduct of the defendant health care provider.

23 13. The attorney general may bring a civil action against
24 any person who shall receive a health care payment as a result of
25 a false statement or false representation of a material fact made
26 or caused to be made by that person. The person shall be liable
27 for up to double the amount of all payments received by that
28 person based upon the false statement or false representation of

1 a material fact, and the reasonable costs attributable to the
2 prosecution of the civil action. All such restitution shall be
3 paid and deposited to the credit of the Medicaid fraud
4 reimbursement fund, and all such cost reimbursements shall be
5 paid and deposited to the credit of the Medicaid fraud
6 prosecution revolving fund. No reimbursement of such costs
7 attributable to the prosecution of the civil action shall be made
8 or allowed except with the approval of the court having
9 jurisdiction of the civil action. No civil action provided by
10 this subsection shall be brought if restitution and civil
11 penalties provided by subsections 10 and 11 of this section have
12 been previously ordered against the person for the same cause of
13 action.

14 252.235. The sale, taking for sale or possession for sale
15 of any species of fish or wildlife, or parts thereof, which shall
16 include eggs, which have been taken or possessed in violation of
17 the rules and regulations of the commission, is prohibited. Any
18 person violating the provisions of this section shall be guilty
19 of a class A misdemeanor for the first offense if the sale
20 amounts to less than [one hundred fifty] five hundred dollars.
21 Any person violating the provisions of this section shall be
22 guilty of a class D felony for the second and subsequent offense
23 if the sale amounts to less than [one hundred fifty] five hundred
24 dollars. Any person violating the provisions of this section
25 shall be guilty of a class C felony for the first and all
26 subsequent offenses if the sale amounts to [more than one hundred
27 fifty] five hundred dollars or more. "Sale" means the exchange
28 of an amount of money, other negotiable instruments, or property

1 of value received by the person or persons selling the prohibited
2 species. "Sale", for purposes of this section, shall also mean
3 the intention to exchange an amount of money, other negotiable
4 instruments or property of value for a prohibited species. For
5 the purposes of this section "property" is defined by section
6 570.010, RSMo, and value shall be ascertained as set forth in
7 section 570.020, RSMo.

8 367.031. 1. At the time of making any secured personal
9 credit loan, the lender shall execute and deliver to the borrower
10 a receipt for and describing the tangible personal property
11 subjected to the security interest to secure the payment of the
12 loan. The receipt shall contain the following:

13 (1) The name and address of the pawnshop;

14 (2) The name and address of the pledgor, the pledgor's
15 description, and the driver's license number, military
16 identification number, identification certificate number, or
17 other official number capable of identifying the pledgor;

18 (3) The date of the transaction;

19 (4) An identification and description of the pledged goods,
20 including serial numbers if reasonably available;

21 (5) The amount of cash advanced or credit extended to the
22 pledgor;

23 (6) The amount of the pawn service charge;

24 (7) The total amount which must be paid to redeem the
25 pledged goods on the maturity date;

26 (8) The maturity date of the pawn transaction; and

27 (9) A statement to the effect that the pledgor is not
28 obligated to redeem the pledged goods, and that the pledged goods

1 may be forfeited to the pawnbroker sixty days after the specified
2 maturity date.

3 2. The pawnbroker may be required, in accordance with local
4 ordinances, to furnish [local] appropriate law enforcement
5 authorities with copies of information contained in subdivisions
6 (1) to (4) of subsection 1 of this section and information
7 contained in subdivision (6) of subsection 4 of section 367.040.
8 The pawnbroker may satisfy such requirements by transmitting such
9 information electronically to a database in accordance with this
10 section, except that paper copies shall be made available for an
11 on-site inspection upon request of any appropriate law
12 enforcement authority.

13 3. As used in this section, the following terms mean:

14 (1) "Database", a computer database established and
15 maintained by a third party engaged in the business of
16 establishing and maintaining one or more databases;

17 (2) "Permitted user", persons authorized by law enforcement
18 personnel to access the database;

19 (3) "Reportable data", the information required to be
20 recorded by pawnbrokers for pawn transactions pursuant to
21 subdivisions (1) to (4) of subsection 1 of this section and the
22 information required to be recorded by pawnbrokers for purchase
23 transactions pursuant to subdivision (6) of subsection 4 of
24 section 367.040;

25 (5) "Reporting pawnbroker", a pawnbroker who chooses to
26 transmit reportable data electronically to the database;

27 (6) "Search", the accessing of a single database record.

28 4. The database shall provide appropriate law enforcement

1 officials with the information contained in subdivisions (1) to
2 (4) of subsection 1 of this section and other useful information
3 to facilitate the investigation of alleged property crimes while
4 protecting the privacy rights of pawnbrokers and pawnshop
5 customers with regard to their transactions.

6 5. The database shall contain the pawn and purchase
7 transaction information recorded by reporting pawnbrokers
8 pursuant to this section and section 367.040 and shall be updated
9 as requested. The database shall also contain such security
10 features and protections as may be necessary to ensure that the
11 reportable data maintained in the database can only be accessed
12 by permitted users in accordance with the provisions of this
13 section.

14 6. The third party's charge for the database shall be based
15 on the number of permitted users. Law enforcement agencies shall
16 be charged directly for access to the database, and the charge
17 shall be reasonable in relation to the costs of the third party
18 in establishing and maintaining the database. No reporting
19 pawnbroker or customer of a reporting pawnbroker shall be charged
20 any costs for the creation or utilization of the database.

21 7. (1) The information in the database shall only be
22 accessible through the Internet to permitted users who have
23 provided a secure identification or access code to the database
24 but shall allow such permitted users to access database
25 information from any jurisdiction transmitting such information
26 to that database. Such permitted users shall provide the database
27 with an identifier number of a criminal action for which the
28 identity of the pawn or purchase transaction customer is needed

1 and a representation that the information is connected to an
2 inquiry or to the investigation of a complaint or alleged crime
3 involving goods delivered by that customer in that transaction.
4 The database shall record, for each search, the identity of the
5 permitted user, the pawn or purchase transaction involved in the
6 search, and the identity of any customer accessed through the
7 search. Each search record shall be made available to other
8 permitted users regardless of their jurisdiction. The database
9 shall enable reporting pawnbrokers to transmit to the database
10 through the Internet reportable data for each pawn and purchase
11 transaction.

12 (2) Any person who gains access to information in the
13 database through fraud or false pretenses shall be guilty of a
14 class C felony.

15 8. Any pawnbroker licensed after August 28, 2002, shall
16 meet the following requirements:

17 (1) Provide all reportable data to appropriate users by
18 transmitting it through the Internet to the database;

19 (2) Transmit all reportable data for one business day to
20 the database prior to the end of the following business day;

21 (3) Make available for on-site inspection to any
22 appropriate law enforcement official, upon request, paper copies
23 of any pawn or purchase transaction documents.

24 9. If a reporting pawnbroker or permitted user discovers
25 any error in the reportable data, notice of such error shall be
26 given to the database, which shall have a period of thirty days
27 in which to correct the error. Any reporting pawnbroker
28 experiencing a computer malfunction preventing the transmission

1 of reportable data or receipt of search requests shall be allowed
2 a period of at least thirty but no more than sixty days to repair
3 such malfunction, and during such period such pawnbroker shall
4 not be deemed to be in violation of this section if good faith
5 efforts are made to correct the malfunction. During the periods
6 specified in this subsection, the reporting pawnbroker and
7 permitted user shall arrange an alternative method or methods by
8 which the reportable data shall be made available.

9 10. No reporting pawnbroker shall be obligated to incur any
10 cost, other than Internet service costs, in preparing,
11 converting, or delivering its reportable data to the database.

12 [3.] 11. If the pawn ticket is lost, destroyed, or stolen,
13 the pledgor may so notify the pawnbroker in writing, and receipt
14 of such notice shall invalidate such pawn ticket, if the pledged
15 goods have not previously been redeemed. Before delivering the
16 pledged goods or issuing a new pawn ticket, the pawnbroker shall
17 require the pledgor to make a written affidavit of the loss,
18 destruction or theft of the ticket. The pawnbroker shall record
19 on the written statement the identifying information required,
20 the date the statement is given, and the number of the pawn
21 ticket lost, destroyed, or stolen. The affidavit shall be signed
22 by a notary public appointed by the secretary of state pursuant
23 to section 486.205, RSMo, to perform notarial acts in this state.

24 367.044. 1. As used in sections 367.044 to 367.055, the
25 following terms mean:

26 (1) "Claimant", a person who claims that property in the
27 possession of a pawnbroker is misappropriated from the claimant
28 and fraudulently pledged or sold to the pawnbroker;

1 (2) "Conveying customer", a person who delivers property
2 into the possession of a pawnbroker, either through a pawn
3 transaction, a sale or trade, which property is later claimed to
4 be misappropriated;

5 (3) "Hold order", a written legal instrument issued to a
6 pawnbroker by a law enforcement officer commissioned by the law
7 enforcement agency of the municipality or county that licenses
8 and regulates the pawnbroker, ordering the pawnbroker to retain
9 physical possession of pledged goods in the possession of a
10 pawnbroker or property purchased by and in the possession of a
11 pawnbroker and not to return, sell or otherwise dispose of such
12 property as such property is believed to be misappropriated
13 goods;

14 (4) "Law enforcement officer", the sheriff or sheriff's
15 deputy designated by the sheriff of the county in which the
16 pawnbroker's pawnshop is located, or when the pawnbroker's
17 pawnshop is located within a municipality, the police chief or
18 police officer designated by the police chief of the municipality
19 in which the pawnbroker's pawnshop is located;

20 (5) "Misappropriated", stolen, embezzled, converted, or
21 otherwise wrongfully appropriated or pledged against the will of
22 the rightful owner or party holding a perfected security
23 interest;

24 (6) "Pledgor", a person who pledges property to the
25 pawnbroker;

26 (7) "Purchaser", a person who purchases property from a
27 pawnbroker; and

28 (8) "Seller", a person who sells property to a pawnbroker.

1 2. A pawnbroker shall have no recourse against the pledgor
2 for payment on a pawn transaction except the pledged goods
3 themselves, unless the goods are found to have been
4 misappropriated.

5 3. [To obtain possession of tangible personal property held
6 by a pawnbroker which a claimant claims to be misappropriated,
7 the claimant may file a petition in a court of competent
8 jurisdiction in the county where the theft occurred or where the
9 pawnbroker's pawnshop is located, requesting the return of the
10 property, naming the pawnbroker as a defendant and serving the
11 pawnbroker with the petition. The provisions of section 482.305,
12 RSMo, to the contrary notwithstanding, a court of competent
13 jurisdiction shall include a small claims court, even if the
14 value of the property named in the petition is greater than three
15 thousand dollars. Upon receiving notice that a petition has been
16 filed by a claimant for the return of property in the
17 pawnbroker's possession, the pawnbroker shall hold the property
18 identified in the claimant's petition until the right to
19 possession is resolved by the parties or by a court of competent
20 jurisdiction.

21 4. Upon being served notice that a petition has been filed
22 pursuant to this section, the pawnbroker may, after determining
23 the validity of the claimant's claim, return the property to the
24 claimant prior to a decision being rendered on the claimant's
25 petition by the court. The pawnbroker shall return the property
26 to the claimant free of any principal, interest and service
27 charges, conditioned only upon the claimant withdrawing the
28 petition filed with a court of competent jurisdiction seeking the

1 disposition of said property. Property voluntarily returned by a
2 pawnbroker to a claimant subject to this subsection shall be
3 returned:

4 (1) Immediately when the property is not subject to a pawn
5 transaction contract; and

6 (2) When the property is subject to a pawn transaction
7 contract, the pawnbroker shall deliver the property to the
8 claimant immediately upon the termination of the pawn transaction
9 contract, except that if the pledgor of the property subject to a
10 claimant's claim attempts to redeem the property as provided for
11 by the pawn transaction contract, the pawnbroker may collect any
12 principal, interest or service charges due and shall hold the
13 property until the right to possession is resolved by the parties
14 or by a court of competent jurisdiction.

15 The provisions of this section to the contrary notwithstanding,
16 the pawnbroker shall not be required to pay any costs incurred by
17 the claimant and the claimant shall not be required to pay any
18 costs incurred by the pawnbroker when the property subject to the
19 claimant's petition is returned to the claimant pursuant to this
20 subsection.

21 5. When a claimant files a petition pursuant to this
22 section, the pawnbroker may bring the conveying customer of the
23 alleged misappropriated property into that action as a
24 third-party defendant. When a claimant files a petition pursuant
25 to this section, the pawnbroker shall bring the conveying
26 customer of the alleged misappropriated property into that action
27 as a third-party defendant if the pawnbroker has collected any
28 principal, interest or service charges pursuant to subdivision

1 (2) of subsection 4 of this section. If after notice to the
2 pawnbroker and an opportunity to add the conveying customer as a
3 defendant, the property in the possession of the pawnbroker is
4 found by a court of competent jurisdiction to be the claimant's
5 property and the property is awarded to the claimant by the
6 court, then:

7 (1) The prevailing claimant may recover from the pawnbroker
8 the cost of the action, including attorney's fees;

9 (2) The conveying customer shall be liable to repay the
10 pawnbroker the full amount received from the pawnbroker from the
11 pawn or sales transaction, including all applicable fees and
12 interest charged and the costs incurred by the pawnbroker in
13 pursuing the procedure described in this section, including
14 attorney's fees.] A pawnbroker shall require of every person from
15 whom the pawnbroker receives sold or pledged property proof of
16 identification which includes a current address and, if
17 applicable, telephone number, and a current picture
18 identification issued by state or federal government.

19 4. If any seller fails to provide a pawnbroker with proof
20 of identification, the pawnbroker shall hold such property for a
21 period of thirty days prior to selling or otherwise transferring
22 such property, provided, the seller has submitted a signed
23 statement that the seller is the legal owner of the property and
24 stating when or from whom such property was acquired by the
25 seller.

26 5. To obtain possession of tangible personal property held
27 by a pawnbroker which a clamant claims to be misappropriated, the
28 claimant shall provide the pawnbroker with a written demand for

1 the return of such property, a copy of a police or sheriff report
2 wherein claimant reported the misappropriation or theft of said
3 property and which contains a particularized description of the
4 property or applicable serial number, and a signed affidavit made
5 under oath setting forth they are the true owner of the property,
6 the name and address of the claimant, a description of the
7 property being claimed, the fact that such property was taken
8 from the claimant without the claimant's consent, permission or
9 knowledge, the fact that the claimant has reported the theft to
10 the police, the fact that the claimant will assist in any
11 prosecution relating to such property, the promise that the
12 claimant will respond to court process in any criminal
13 prosecution relating to said property and will testify truthfully
14 as to all facts within the claimant's knowledge and not claim any
15 testimonial privilege with respect to said facts. These
16 documents shall be presented to the pawnbroker concurrently.

17 6. Upon being served with a proper demand by a claimant for
18 the return of property pursuant to subsection 5 of this section,
19 the pawnbroker shall return the property to the claimant, in the
20 presence of a law enforcement officer, within seven days unless
21 the pawnbroker has good reason to believe that any of the matters
22 set forth in the claimant's affidavit are false or if there is a
23 hold order on the property pursuant to section 367.055. If a
24 pawnbroker refuses to deliver property to a claimant upon a
25 proper demand as described in subsection 5 of this section, the
26 claimant may file a petition in a court of competent jurisdiction
27 seeking the return of said property. The non-prevailing party
28 shall be responsible for the costs of said action and the

1 attorney fees of the prevailing party. The provisions of section
2 482.305, RSMo, to the contrary notwithstanding, a court of
3 competent jurisdiction shall include a small claims court, even
4 if the value of the property named in the petition is greater
5 than three thousand dollars.

6 7. If a pawnbroker returns property to a claimant relying
7 on the veracity of the affidavit described in subsection 5 of
8 this section, and later learns that the information contained in
9 said affidavit is false or that the claimant has failed to assist
10 in prosecution or otherwise testify truthfully with respect to
11 the facts within the claimant's knowledge, the pawnbroker shall
12 have a cause of action against the claimant for the value of the
13 property. The non-prevailing party shall be responsible for the
14 cost of said action and the attorney fees of the prevailing
15 party.

16 8. Nothing contained in this section shall limit a
17 pawnbroker from bringing the conveying customer into a suit as a
18 third-party, nor limit a pawnbroker from recovering from a
19 conveying customer repayment of the full amount received from the
20 pawnbroker from the pawn or sales transaction, including all
21 applicable fees and interest charged, attorney's fees and the
22 cost of the action.

23 367.055. 1. Upon request of a law enforcement officer to
24 inspect property that is described in information furnished by
25 the pawnbroker pursuant to subdivisions (1) to (4) of subsection
26 1 of section 367.031, the law enforcement officer shall be
27 entitled to inspect the property described, without prior notice
28 or the necessity of obtaining a search warrant during regular

1 business hours in a manner so as to minimize interference with or
2 delay to the pawnbroker's business operation. When a law
3 enforcement officer has probable cause to believe that goods or
4 property in the possession of a pawnbroker are misappropriated,
5 the officer may place a hold order on the property. The hold
6 order shall contain the following:

7 (1) The name of the pawnbroker;

8 (2) The name and mailing address of the pawnshop where the
9 property is held;

10 (3) The name, title and identification number of the law
11 enforcement officer placing the hold order;

12 (4) The name and address of the agency to which the law
13 enforcement officer is attached and the claim or case number, if
14 any, assigned by the agency to the claim regarding the property;

15 (5) A complete description of the property to be held
16 including model and serial numbers;

17 (6) The expiration date of the holding period.

18 The hold order shall be signed and dated by the issuing officer
19 and signed and dated by the pawnbroker or the pawnbroker's
20 designee as evidence of the hold order's issuance by the officer,
21 receipt by the pawnbroker and the beginning of the initial
22 holding period. The officer issuing the hold order shall provide
23 an executed copy of the hold order to the pawnbroker for the
24 pawnbroker's record-keeping purposes at no cost to the
25 pawnbroker.

26 2. Upon receiving the hold order, and subject to the
27 provisions of section 367.047, the pawnbroker shall retain
28 physical possession of the property subject to the order in a

1 secured area. The initial holding period of the hold order shall
2 not exceed two months, except that the hold order may be extended
3 for up to two successive one-month holding periods upon written
4 notification prior to the expiration of the immediately preceding
5 holding period. A hold order may be released prior to the
6 expiration of any holding period or extension thereof by written
7 release from the agency placing the initial hold order. The
8 initial hold order shall be deemed expired upon the expiration
9 date if the holding period is not extended pursuant to this
10 subsection.

11 3. Upon the expiration of the initial holding period or any
12 extension thereof, the pawnbroker shall deliver written notice to
13 the law enforcement officer issuing the hold order that such
14 order has expired and that title to the property subject to the
15 hold order will vest in the pawnbroker in ten business days.
16 Ownership shall only vest in the pawnbroker upon the expiration
17 of the ten-day waiting period subject to any restriction
18 contained in the pawn contract and subject to the provisions of
19 sections 367.044 to 367.053. Vesting of title and ownership
20 shall be subject to any claim asserted by a claimant pursuant to
21 section 367.044.

22 4. In addition to the penalty provisions contained in
23 section 367.050, gross negligence or willful noncompliance with
24 the provisions of this section by a pawnbroker shall be cause for
25 the licensing authority to suspend or revoke the pawnbroker's
26 license. Any imposed suspensions or revocation provided for by
27 this subsection may be appealed by the pawnbroker to the
28 licensing authority or to a court of competent jurisdiction.

1 5. A county or municipality may enact orders or ordinances
2 to license or regulate the operations of pawnbrokers which are
3 consistent with and not more restrictive than the provisions of
4 sections [367.044] 367.011 to 367.055, except that municipalities
5 located in any county with a charter form of government having a
6 population greater than one million inhabitants or any city not
7 within a county may regulate the number of pawn shop licensees.

8 6. All records and information that relate to a
9 pawnbroker's pawn, purchase or trade transactions and that are
10 delivered to or otherwise obtained by an appropriate law
11 enforcement officer pursuant to sections 367.031 and 367.040 are
12 confidential and may be used only by such appropriate law
13 enforcement officer and only for the following official law
14 enforcement purposes:

15 (1) The investigation of a crime specifically involving the
16 item of property delivered to the pawnbroker in a pawn, purchase
17 or trade transaction;

18 (2) The investigation of a pawnbroker's possible specific
19 violation of the record-keeping or reporting requirements of
20 sections 367.031 and 367.040, but only when the appropriate law
21 enforcement officer, based on a review of the records and the
22 information received, has probable cause to believe that such a
23 violation occurred; and

24 (3) The notification of property crime victims of where
25 property that has been reported misappropriated can be located.

26 569.095. 1. A person commits the crime of tampering with
27 computer data if he knowingly and without authorization or
28 without reasonable grounds to believe that he has such

1 authorization:

2 (1) Modifies or destroys data or programs residing or
3 existing internal to a computer, computer system, or computer
4 network; or

5 (2) Modifies or destroys data or programs or supporting
6 documentation residing or existing external to a computer,
7 computer system, or computer network; or

8 (3) Discloses or takes data, programs, or supporting
9 documentation, residing or existing internal or external to a
10 computer, computer system, or computer network; or

11 (4) Discloses or takes a password, identifying code,
12 personal identification number, or other confidential information
13 about a computer system or network that is intended to or does
14 control [assess] access to the computer system or network;

15 (5) Accesses a computer, a computer system, or a computer
16 network, and intentionally examines information about another
17 person;

18 (6) Receives, retains, uses, or discloses any data he knows
19 or believes was obtained in violation of this subsection.

20 2. Tampering with computer data is a class A misdemeanor,
21 unless the offense is committed for the purpose of devising or
22 executing any scheme or artifice to defraud or to obtain any
23 property, the value of which is [one hundred fifty] five hundred
24 dollars or more, in which case tampering with computer data is a
25 class D felony.

26 569.097. 1. A person commits the crime of tampering with
27 computer equipment if he knowingly and without authorization or
28 without reasonable grounds to believe that he has such

1 authorization:

2 (1) Modifies, destroys, damages, or takes equipment or data
3 storage devices used or intended to be used in a computer,
4 computer system, or computer network; or

5 (2) Modifies, destroys, damages, or takes any computer,
6 computer system, or computer network.

7 2. Tampering with computer equipment is a class A
8 misdemeanor, unless:

9 (1) The offense is committed for the purpose of executing
10 any scheme or artifice to defraud or obtain any property, the
11 value of which is [one hundred fifty] five hundred dollars or
12 more, in which case it is a class D felony; or

13 (2) The damage to such computer equipment or to the
14 computer, computer system, or computer network is [one hundred
15 fifty] five hundred dollars or more but less than one thousand
16 dollars, in which case it is a class D felony; or

17 (3) The damage to such computer equipment or to the
18 computer, computer system, or computer network is one thousand
19 dollars or greater, in which case it is a class C felony.

20 569.099. 1. A person commits the crime of tampering with
21 computer users if he knowingly and without authorization or
22 without reasonable grounds to believe that he has such
23 authorization:

24 (1) Accesses or causes to be accessed any computer,
25 computer system, or computer network; or

26 (2) Denies or causes the denial of computer system services
27 to an authorized user of such computer system services, which, in
28 whole or in part, is owned by, under contract to, or operated

1 for, or on behalf of, or in conjunction with another.

2 2. The offense of tampering with computer users is a class
3 A misdemeanor unless the offense is committed for the purpose of
4 devising or executing any scheme or artifice to defraud or to
5 obtain any property, the value of which is [one hundred fifty]
6 five hundred dollars or more, in which case tampering with
7 computer users is a class D felony.

8 570.010. As used in this chapter:

9 (1) "Adulterated" means varying from the standard of
10 composition or quality prescribed by statute or lawfully
11 promulgated administrative regulations of this state lawfully
12 filed, or if none, as set by commercial usage;

13 (2) "Appropriate" means to take, obtain, use, transfer,
14 conceal or retain possession of;

15 (3) "Coercion" means a threat, however communicated:

16 (a) To commit any crime; or

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

19 (c) To accuse any person of any crime; or

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

21 or

22 (e) To harm the credit or business repute of any person; or

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

25 (g) To inflict any other harm which would not benefit the
26 actor.

27 A threat of accusation, lawsuit or other invocation of official
28 action is not coercion if the property sought to be obtained by

1 virtue of such threat was honestly claimed as restitution or
2 indemnification for harm done in the circumstances to which the
3 accusation, exposure, lawsuit or other official action relates,
4 or as compensation for property or lawful service. The defendant
5 shall have the burden of injecting the issue of justification as
6 to any threat;

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

11 (5) "Dealer" means a person in the business of buying and
12 selling goods;

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

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

27 (8) "Deprive" means:

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

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

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

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

11 (10) "New and unused property" means tangible personal
12 property that has never been used since its production or
13 manufacture and is in its original unopened package or container
14 if such property was packaged;

15 (11) "Of another" property or services is that "of another"
16 if any natural person, corporation, partnership, association,
17 governmental subdivision or instrumentality, other than the
18 actor, has a possessory or proprietary interest therein, except
19 that property shall not be deemed property of another who has
20 only a security interest therein, even if legal title is in the
21 creditor pursuant to a conditional sales contract or other
22 security arrangement;

23 [(11)] (12) "Property" means anything of value, whether
24 real or personal, tangible or intangible, in possession or in
25 action, and shall include but not be limited to the evidence of a
26 debt actually executed but not delivered or issued as a valid
27 instrument;

28 [(12)] (13) "Receiving" means acquiring possession,

1 control or title or lending on the security of the property;

2 [(13)] (14) "Services" includes transportation, telephone,
3 electricity, gas, water, or other public service, accommodation
4 in hotels, restaurants or elsewhere, admission to exhibitions and
5 use of vehicles;

6 [(14)] (15) "Writing" includes printing, any other method
7 of recording information, money, coins, negotiable instruments,
8 tokens, stamps, seals, credit cards, badges, trademarks and any
9 other symbols of value, right, privilege or identification.

10 570.020. For the purposes of this chapter, the value of
11 property shall be ascertained as follows:

12 (1) Except as otherwise specified in this section, "value"
13 means the market value of the property at the time and place of
14 the crime, or if such cannot be satisfactorily ascertained, the
15 cost of replacement of the property within a reasonable time
16 after the crime;

17 (2) Whether or not they have been issued or delivered,
18 certain written instruments, not including those having a readily
19 ascertainable market value such as some public and corporate
20 bonds and securities, shall be evaluated as follows:

21 (a) The value of an instrument constituting evidence of
22 debt, such as a check, draft or promissory note, shall be deemed
23 the amount due or collectible thereon or thereby, such figure
24 ordinarily being the face amount of the indebtedness less any
25 portion thereof which has been satisfied;

26 (b) The value of any other instrument which creates,
27 releases, discharges or otherwise affects any valuable legal
28 right, privilege or obligation shall be deemed the greatest

1 amount of economic loss which the owner of the instrument might
2 reasonably suffer by virtue of the loss of the instrument;

3 (3) When the value of property cannot be satisfactorily
4 ascertained pursuant to the standards set forth in subdivisions
5 (1) and (2) of this section, its value shall be deemed to be an
6 amount less than [one hundred fifty] five hundred dollars.

7 570.030. 1. A person commits the crime of stealing if he
8 or she appropriates property or services of another with the
9 purpose to deprive him or her thereof, either without his or her
10 consent or by means of deceit or coercion.

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

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

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

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

22 (4) That he or she surreptitiously removed or attempted to
23 remove his or her baggage from a hotel, inn or boardinghouse;

24 (5) That he or she, with intent to cheat or defraud a
25 retailer, possesses, uses, utters, transfers, makes, alters,
26 counterfeits, or reproduces a retail sales receipt, price tag, or
27 universal price code label, or possesses with intent to cheat or
28 defraud, the device that manufactures fraudulent receipts or

1 universal price code labels.

2 3. **[Stealing]** Notwithstanding any other provision of law,
3 any offense in which the value of property or services is an
4 element is a class C felony if:

5 (1) The value of the property or services appropriated is
6 **[seven]** five hundred **[fifty]** dollars or more but less than twenty
7 five thousand dollars; or

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

10 (3) The property appropriated consists of:

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

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

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

14 (d) Any firearms; or

15 (e) A United States national flag designed, intended and
16 used for display on buildings or stationary flagstaffs in the
17 open; or

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

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

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

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

28 (j) Live fish raised for commercial sale with a value of

seventy-five dollars; or

(k) Any controlled substance as defined by section 195.010, RSMo; or

(l) Anhydrous ammonia.

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

5. The theft of any item of property or services [under] pursuant to subsection 3 of this section which exceeds [seven] five hundred [fifty] dollars may be considered a separate felony and may be charged in separate counts.

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

7. Any offense in which the value of property or services is an element is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

8. Any violation of this section for which no other penalty

1 is specified in this section is a class A misdemeanor.

2 570.040. 1. Every person who has previously pled guilty or
3 been found guilty on two separate occasions of [stealing,] a
4 stealing-related offense where such offenses occurred within ten
5 years of the date of occurrence of the present offense and where
6 the person received and served a sentence of ten days or more on
7 such previous offense and who subsequently pleads guilty or is
8 found guilty of [stealing] a stealing-related offense is guilty
9 of a class C felony and shall be punished accordingly.

10 2. [For the purpose of this section, guilty pleas or
11 findings of guilt in any state or federal court or in a municipal
12 court of this state shall be considered by the court to be
13 previous pleas or findings of guilt for the enhancement purposes
14 of this section as long as:

15 (1) The defendant was either represented by counsel or
16 knowingly waived counsel in writing; and

17 (2)] As used in this section, the term "stealing-related
18 offense" shall include federal and state violations of criminal
19 statutes against stealing or buying or receiving stolen property
20 and shall also include municipal ordinances against same if the
21 defendant was either represented by counsel or knowingly waived
22 counsel in writing and the judge accepting the plea or making the
23 findings was a licensed attorney at the time of the court
24 proceedings.

25 3. Evidence of prior guilty pleas or findings of guilt
26 shall be heard by the court, out of the hearing of the jury,
27 prior to the submission of the case to the jury, and the court
28 shall determine the existence of the prior guilty pleas or

1 findings of guilt.

2 570.080. 1. A person commits the crime of receiving stolen
3 property if for the purpose of depriving the owner of a lawful
4 interest therein, he receives, retains or disposes of property of
5 another knowing that it has been stolen, or believing that it has
6 been stolen.

7 2. Evidence of the following is admissible in any criminal
8 prosecution [under] pursuant to this section to prove the
9 requisite knowledge or belief of the alleged receiver:

10 (1) That he was found in possession or control of other
11 property stolen on separate occasions from two or more persons;

12 (2) That he received other stolen property in another
13 transaction within the year preceding the transaction charged;

14 (3) That he acquired the stolen property for a
15 consideration which he knew was far below its reasonable value.

16 3. Receiving stolen property is a class A misdemeanor
17 unless the property involved has a value of [one hundred fifty]
18 five hundred dollars or more, or the person receiving the
19 property is a dealer in goods of the type in question, in which
20 cases receiving stolen property is a class C felony.

21 570.085. 1. A person commits the crime of alteration or
22 removal of item numbers if he, with the purpose of depriving the
23 owner of a lawful interest therein:

24 (1) Destroys, removes, covers, conceals, alters, defaces,
25 or causes to be destroyed, removed, covered, concealed, altered,
26 or defaced, the manufacturer's original serial number or other
27 distinguishing owner-applied number or mark, on any item which
28 bears a serial number attached by the manufacturer or

1 distinguishing number or mark applied by the owner of the item,
2 for any reason whatsoever;

3 (2) Sells, offers for sale, pawns or uses as security for a
4 loan, any item on which the manufacturer's original serial number
5 or other distinguishing owner-applied number or mark has been
6 destroyed, removed, covered, concealed, altered, or defaced; or

7 (3) Buys, receives as security for a loan or in pawn, or in
8 any manner receives or has in his possession any item on which
9 the manufacturer's original serial number or other distinguishing
10 owner-applied number or mark has been destroyed, removed,
11 covered, concealed, altered, or defaced.

12 2. Alteration or removal of item numbers is a class D
13 felony if the value of the item or items in the aggregate is [one
14 hundred fifty] five hundred dollars or more. If the value of the
15 item or items in the aggregate is less than [one hundred fifty]
16 five hundred dollars, then it is a class B misdemeanor.

17 570.090. 1. A person commits the crime of forgery if, with
18 the purpose to defraud, [he] the person:

19 (1) Makes, completes, alters or authenticates any writing
20 so that it purports to have been made by another or at another
21 time or place or in a numbered sequence other than was in fact
22 the case or with different terms or by authority of one who did
23 not give such authority; or

24 (2) Erases, obliterates or destroys any writing; or

25 (3) Makes or alters anything other than a writing,
26 including receipts and universal product codes, so that it
27 purports to have a genuineness, antiquity, rarity, ownership or
28 authorship which it does not possess; or

1 (4) Uses as genuine, or possesses for the purpose of using
2 as genuine, or transfers with the knowledge or belief that it
3 will be used as genuine, any writing or other thing including
4 receipts and universal product codes, which the actor knows has
5 been made or altered in the manner described in this section.

6 2. Forgery is a class C felony.

7 570.120. 1. A person commits the crime of passing a bad
8 check when:

9 (1) With purpose to defraud, the person makes, issues or
10 passes a check or other similar sight order for the payment of
11 money, knowing that it will not be paid by the drawee, or that
12 there is no such drawee; or

13 (2) The person makes, issues, or passes a check or other
14 similar sight order for the payment of money, knowing that there
15 are insufficient funds in that account or that there is no such
16 account or no drawee and fails to pay the check or sight order
17 within ten days after receiving actual notice in writing that it
18 has not been paid because of insufficient funds or credit with
19 the drawee or because there is no such drawee.

20 2. As used in subdivision (2) of subsection 1 of this
21 section, "actual notice in writing" means notice of the
22 nonpayment which is actually received by the defendant. Such
23 notice may include the service of summons or warrant upon the
24 defendant for the initiation of the prosecution of the check or
25 checks which are the subject matter of the prosecution if the
26 summons or warrant contains information of the ten-day period
27 during which the instrument may be paid and that payment of the
28 instrument within such ten-day period will result in dismissal of

1 the charges. The requirement of notice shall also be satisfied
2 for written communications which are tendered to the defendant
3 and which the defendant refuses to accept.

4 3. The face amounts of any bad checks passed pursuant to
5 one course of conduct within any ten-day period may be aggregated
6 in determining the grade of the offense.

7 4. Passing bad checks is a class A misdemeanor, unless:

8 (1) The face amount of the check or sight order or the
9 aggregated amounts is [one hundred fifty] five hundred dollars or
10 more; or

11 (2) The issuer had no account with the drawee or if there
12 was no such drawee at the time the check or order was issued, in
13 which cases passing bad checks is a class D felony.

14 5. (1) In addition to all other costs and fees allowed by
15 law, each prosecuting attorney or circuit attorney who takes any
16 action pursuant to the provisions of this section shall collect
17 from the issuer in such action an administrative handling cost.
18 The cost shall be five dollars for checks of less than ten
19 dollars, ten dollars for checks of ten dollars but less than one
20 hundred dollars, and twenty-five dollars for checks of one
21 hundred dollars or more. For checks of one hundred dollars or
22 more an additional fee of ten percent of the face amount shall be
23 assessed, with a maximum fee for administrative handling costs
24 not to exceed fifty dollars total. Notwithstanding the
25 provisions of sections 50.525 to 50.745, RSMo, the costs provided
26 for in this subsection shall be deposited by the county treasurer
27 into a separate interest-bearing fund to be expended by the
28 prosecuting attorney or circuit attorney. The funds shall be

1 expended, upon warrants issued by the prosecuting attorney or
2 circuit attorney directing the treasurer to issue checks thereon,
3 only for purposes related to that previously authorized in this
4 section. Any revenues that are not required for the purposes of
5 this section may be placed in the general revenue fund of the
6 county or city not within a county. Notwithstanding any law to
7 the contrary, in addition to the administrative handling cost,
8 the prosecuting attorney or circuit attorney shall collect an
9 additional cost of one dollar per check for deposit to the
10 Missouri office of prosecution services fund established in
11 subsection 2 of section 56.765, RSMo. All moneys collected
12 pursuant to this section which are payable to the Missouri office
13 of prosecution services fund shall be transmitted at least
14 monthly by the county treasurer to the director of revenue who
15 shall deposit the amount collected pursuant to the credit of the
16 Missouri office of prosecution services fund under the procedure
17 established pursuant to subsection 2 of section 56.765, RSMo.

18 (2) The moneys deposited in the fund may be used by the
19 prosecuting or circuit attorney for office supplies, postage,
20 books, training, office equipment, capital outlay, expenses of
21 trial and witness preparation, additional employees for the staff
22 of the prosecuting or circuit attorney and employees' salaries.

23 (3) This fund may be audited by the state auditor's office
24 or the appropriate auditing agency.

25 (4) If the moneys collected and deposited into this fund
26 are not totally expended annually, then the unexpended balance
27 shall remain in said fund and the balance shall be kept in said
28 fund to accumulate from year to year.

1 6. [Notwithstanding any other provisions of law to the
2 contrary, in addition to the administrative handling costs
3 provided for in subsection 5 of this section, the prosecuting
4 attorney or circuit attorney may, in his discretion, collect from
5 the issuer, in addition to the face amount of the check, a
6 reasonable service charge, which along with the face amount of
7 the check shall be turned over to the party to whom the bad check
8 was issued. If the prosecuting attorney or circuit attorney does
9 not collect the service charge and the face amount of the check,
10 the party to whom the check was issued may collect from the
11 issuer a reasonable service charge along with the face amount of
12 the check] Notwithstanding any other provision of law to the
13 contrary:

14 (1) In addition to the administrative handling costs
15 provided for in subsection 5 of this section, the prosecuting
16 attorney or circuit attorney may collect from the issuer, in
17 addition to the face amount of the check, a reasonable service
18 charge, which along with the face amount of the check, shall be
19 turned over to the party to whom the bad check was issued;

20 (2) If a check that is dishonored or returned unpaid by a
21 financial institution is not referred to the prosecuting attorney
22 or circuit attorney for any action pursuant to the provisions of
23 this section, the party to whom the check was issued, or his or
24 her agent or assignee, or a holder, may collect from the issuer,
25 in addition to the face amount of the check, a reasonable service
26 charge, not to exceed twenty-five dollars, plus an amount equal
27 to the actual charge by the depository institution for the return
28 of each unpaid or dishonored instrument.

1 7. In all cases where a prosecutor receives notice from the
2 original holder that a person has violated this section with
3 respect to a payroll check or order, the prosecutor, if he
4 determines there is a violation of this section, shall file an
5 information or seek an indictment within sixty days of such
6 notice and may file an information or seek an indictment
7 thereafter if the prosecutor has failed through neglect or
8 mistake to do so within sixty days of such notice and if he
9 determines there is sufficient evidence shall further prosecute
10 such cases.

11 8. When any financial institution returns a dishonored
12 check to the person who deposited such check, it shall be in
13 substantially the same physical condition as when deposited, or
14 in such condition as to provide the person who deposited the
15 check the information required to identify the person who wrote
16 the check.

17 570.123. In addition to all other penalties provided by
18 law, any person who makes, utters, draws, or delivers any check,
19 draft, or order for the payment of money upon any bank, savings
20 and loan association, credit union, or other depository,
21 financial institution, person, firm, or corporation which is not
22 honored because of lack of funds or credit to pay or because of
23 not having an account with the drawee and who fails to pay the
24 amount for which such check, draft, or order was made in cash to
25 the holder within thirty days after notice and a written demand
26 for payment, deposited as certified or registered mail in the
27 United States mail, or by regular mail, supported by an affidavit
28 of service by mailing, notice deemed conclusive three days

1 following the date the affidavit is executed, and addressed to
2 the maker and to the endorser, if any, of the check, draft, or
3 order at each of their addresses as it appears on the check,
4 draft, or order or to the last known address, shall, in addition
5 to the face amount owing upon such check, draft, or order, be
6 liable to the holder for three times the face amount owed or one
7 hundred dollars, whichever is greater, plus attorney fees
8 incurred in bringing an action pursuant to this section. Only
9 the original holder, whether the holder is a person, bank,
10 savings and loan association, credit union, or other depository,
11 financial institution, firm or corporation, may bring an action
12 [under] pursuant to this section. No original holder shall bring
13 an action pursuant to this section if the original holder has
14 been paid the face amount of the check and costs recovered by the
15 prosecuting attorney or circuit attorney pursuant to subsection 6
16 of section 570.120. If the issuer of the check has paid the face
17 amount of the check and costs pursuant to subsection 6 of section
18 570.120, such payment shall be an affirmative defense to any
19 action brought pursuant to this section. The original holder
20 shall elect to bring an action [under] pursuant to this section
21 or section 570.120, but may not bring an action [under] pursuant
22 to both sections. In no event shall the damages allowed [under]
23 pursuant to this section exceed five hundred dollars, exclusive
24 of attorney fees. In situations involving payroll checks, the
25 damages allowed [under] pursuant to this section shall only be
26 assessed against the employer who issued the payroll check and
27 not against the employee to whom the payroll check was issued.
28 The provisions of sections 408.140 and 408.233, RSMo, to the

1 contrary notwithstanding, a lender may bring an action pursuant
2 to this section. The provisions of this section will not apply
3 in cases where there exists a bona fide dispute over the quality
4 of goods sold or services rendered.

5 570.125. 1. A person commits the crime of "fraudulently
6 stopping payment of an instrument" if he, knowingly, with the
7 purpose to defraud, stops payment on a check or draft given in
8 payment for the receipt of goods or services.

9 2. Fraudulently stopping payment of an instrument is a
10 class A misdemeanor, unless the face amount of the check or draft
11 is [one hundred fifty] five hundred dollars or more or, if the
12 stopping of payment of more than one check or draft is involved
13 in the same course of conduct, the aggregate amount is [one
14 hundred fifty] five hundred dollars or more, in which case the
15 offense is a class D felony.

16 3. It shall be prima facie evidence of a violation of this
17 section, if a person stops payment on a check or draft and fails
18 to make good the check or draft, or return or make and comply
19 with reasonable arrangements to return the property for which the
20 check or draft was given in the same or substantially the same
21 condition as when received within ten days after notice in
22 writing from the payee that the check or draft has not been paid
23 because of a stop payment order by the issuer to the drawee.

24 4. "Notice in writing" means notice deposited as certified
25 or registered mail in the United States mail and addressed to the
26 issuer at his address as it appears on the dishonored check or
27 draft or to his last known address. The notice shall contain a
28 statement that failure to make good the check or draft within ten

1 days of receipt of the notice may subject the issuer to criminal
2 prosecution.

3 570.130. 1. A person commits the crime of fraudulent use
4 of a credit device or debit device if the person uses a credit
5 device or debit device for the purpose of obtaining services or
6 property, knowing that:

7 (1) The device is stolen, fictitious or forged; or

8 (2) The device has been revoked or canceled; or

9 (3) For any other reason his use of the device is
10 unauthorized.

11 2. Fraudulent use of a credit device or debit device is a
12 class A misdemeanor unless the value of the property or services
13 obtained or sought to be obtained within any thirty-day period is
14 [one hundred fifty] five hundred dollars or more, in which case
15 fraudulent use of a credit device or debit device is a class D
16 felony.

17 570.210. 1. A person commits the crime of library theft if
18 with the purpose to deprive, he:

19 (1) Knowingly removes any library material from the
20 premises of a library without authorization; or

21 (2) Borrows or attempts to borrow any library material from
22 a library by use of a library card:

23 (a) Without the consent of the person to whom it was
24 issued; or

25 (b) Knowing that the library card is revoked, canceled or
26 expired; or

27 (c) Knowing that the library card is falsely made,
28 counterfeit or materially altered; or

1 (3) Borrows library material from any library pursuant to
2 an agreement or procedure established by the library which
3 requires the return of such library material and, with the
4 purpose to deprive the library of the library material, fails to
5 return the library material to the library.

6 2. It shall be prima facie evidence of the person's purpose
7 to deprive the library of the library materials if, within ten
8 days after notice in writing deposited as certified mail from the
9 library demanding the return of such library material, he without
10 good cause shown fails to return the library material. A person
11 is presumed to have received the notice required by this
12 subsection if the library mails such notice to the last address
13 provided to the library by such person.

14 3. The crime of library theft is a class C felony if the
15 value of the library material is [one hundred and fifty] five
16 hundred dollars or more; otherwise, library theft is a class C
17 misdemeanor.

18 570.300. 1. A person commits the crime of theft of cable
19 television service if he:

20 (1) Knowingly obtains or attempts to obtain cable
21 television service without paying all lawful compensation to the
22 operator of such service, by means of artifice, trick, deception
23 or device; or

24 (2) Knowingly assists another person in obtaining or
25 attempting to obtain cable television service without paying all
26 lawful compensation to the operator of such service; or

27 (3) Knowingly connects to, tampers with or otherwise
28 interferes with any cables, wires or other devices used for the

1 distribution of cable television if the effect of such action is
2 to obtain cable television without paying all lawful compensation
3 therefor; or

4 (4) Knowingly sells, uses, manufactures, rents or offers
5 for sale, rental or use any device, plan or kit designed and
6 intended to obtain cable television service in violation of this
7 section.

8 2. Theft of cable television service is a class C felony if
9 the value of the service appropriated is [one hundred fifty] five
10 hundred dollars or more; otherwise theft of cable television
11 services is a class A misdemeanor.

12 3. Any cable television operator may bring an action to
13 enjoin and restrain any violation of the provisions of this
14 section or bring an action for conversion. In addition to any
15 actual damages, an operator may be entitled to punitive damages
16 and reasonable attorney fees in any case in which the court finds
17 that the violation was committed willfully and for purposes of
18 commercial advantage. In the event of a defendant's verdict the
19 defendant may be entitled to reasonable attorney fees.

20 4. The existence on the property and in the actual
21 possession of the accused of any connection wire, or conductor,
22 which is connected in such a manner as to permit the use of cable
23 television service without the same being reported for payment to
24 and specifically authorized by the operator of the cable
25 television service shall be sufficient to support an inference
26 which the trial court may submit to the trier of fact, from which
27 the trier of fact may conclude that the accused has committed the
28 crime of theft of cable television service.

1 5. If a cable television company either:

2 (1) Provides unsolicited cable television service; or

3 (2) Fails to change or disconnect cable television service
4 within ten days after receiving written notice to do so by the
5 customer, the customer may deem such service to be a gift without
6 any obligation to the cable television company from ten days
7 after such written notice is received until the service is
8 changed or disconnected.

9 6. Nothing in this section shall be construed to render
10 unlawful or prohibit an individual or other legal entity from
11 owning or operating a video cassette recorder or devices commonly
12 known as a "satellite receiving dish" for the purpose of
13 receiving and utilizing satellite-relayed television signals for
14 his own use.

15 7. As used in this section, the term "cable television
16 service" includes microwave television transmission from a
17 multipoint distribution service not capable of reception by
18 conventional television receivers without the use of special
19 equipment.

20 578.150. 1. A person commits the crime of failing to
21 return leased or rented property if, with the intent to deprive
22 the owner thereof, he purposefully fails to return leased or
23 rented personal property to the place and within the time
24 specified in an agreement in writing providing for the leasing or
25 renting of such personal property. In addition, any person who
26 has leased or rented personal property of another who conceals
27 the property from the owner, or who otherwise sells, pawns,
28 loans, abandons or gives away the leased or rented property is

1 guilty of the crime of failing to return leased or rented
2 property. The provisions of this section shall apply to all
3 forms of leasing and rental agreements, including, but not
4 limited to, contracts which provide the consumer options to buy
5 the leased or rented personal property, lease-purchase agreements
6 and rent-to-own contracts. For the purpose of determining if a
7 violation of this section has occurred, leasing contracts which
8 provide options to buy the merchandise are owned by the owner of
9 the property until such time as the owner endorses the sale and
10 transfer of ownership of the leased property to the lessee.

11 2. It shall be prima facie evidence of the crime of failing
12 to return leased or rented property when a person who has leased
13 or rented personal property of another willfully fails to return
14 or make arrangements acceptable with the lessor to return the
15 personal property to its owner at the owner's place of business
16 within ten days after proper notice following the expiration of
17 the lease or rental agreement, except that if the motor vehicle
18 has not been returned within seventy-two hours after the
19 expiration of the lease or rental agreement, such failure to
20 return the motor vehicle shall be prima facie evidence of the
21 intent of the crime of failing to return leased or rented
22 property. Where the leased or rented property is a motor
23 vehicle, if the motor vehicle has not been returned within
24 seventy-two hours after the expiration of the lease or rental
25 agreement, the lessor may notify the local law enforcement agency
26 of the failure of the lessee to return such motor vehicle, and
27 the local law enforcement agency shall cause such motor vehicle
28 to be put into any appropriate state and local computer system

1 listing stolen motor vehicles. Any law enforcement officer which
2 stops such a motor vehicle may seize the motor vehicle and notify
3 the lessor that he may recover such motor vehicle after it is
4 photographed and its vehicle identification number is recorded
5 for evidentiary purposes. Where the leased or rented property is
6 not a motor vehicle, if such property has not been returned
7 within the ten-day period prescribed in this subsection, the
8 owner of the property shall report the failure to return the
9 property to the local law enforcement agency, and such law
10 enforcement agency may within five days notify the person who
11 leased or rented the property that such person is in violation of
12 this section, and that failure to immediately return the property
13 may subject such person to arrest for the violation.

14 3. This section shall not apply if such personal property
15 is a vehicle and such return is made more difficult or expensive
16 by a defect in such vehicle which renders such vehicle
17 inoperable, if the lessee shall notify the lessor of the location
18 of such vehicle and such defect before the expiration of the
19 lease or rental agreement, or within ten days after proper
20 notice.

21 4. Proper notice by the lessor shall consist of a written
22 demand addressed and mailed by certified or registered mail to
23 the lessee at the address given at the time of making the lease
24 or rental agreement. The notice shall contain a statement that
25 the failure to return the property may subject the lessee to
26 criminal prosecution.

27 5. Any person who has leased or rented personal property of
28 another who destroys such property so as to avoid returning it to

1 the owner shall be guilty of property damage pursuant to section
2 569.100 or 569.120, RSMo, in addition to being in violation of
3 this section.

4 6. Venue shall lie in the county where the personal
5 property was originally rented or leased.

6 7. Failure to return leased or rented property is a class A
7 misdemeanor unless the property involved has a value of [one
8 hundred fifty] five hundred dollars or more, in which case
9 failing to return leased or rented property is a class C felony.

10 578.377. 1. A person commits the crime of unlawfully
11 receiving food stamp coupons or ATP cards if he knowingly
12 receives or uses the proceeds of food stamp coupons or ATP cards
13 to which he is not lawfully entitled or for which he has not
14 applied and been approved by the department to receive.

15 2. Unlawfully receiving food stamp coupons or ATP cards is
16 a class D felony unless the face value of the food stamp coupon
17 or ATP cards is less than [one hundred fifty] five hundred
18 dollars, in which case unlawful receiving of food stamp coupons
19 and ATP cards is a class A misdemeanor.

20 578.379. 1. A person commits the crime of conversion of
21 food stamp coupons or ATP cards if he knowingly engages in any
22 transaction to convert food stamp coupons or ATP cards to other
23 property contrary to statutes, rules and regulations, either
24 state or federal, governing the food stamp program.

25 2. Unlawful conversion of food stamp coupons or ATP cards
26 is a class D felony unless the face value of said food stamp
27 coupons or ATP cards is less than [one hundred fifty] five
28 hundred dollars, in which case unlawful conversion of food stamp

coupons or ATP cards is a class A misdemeanor.

578.381. 1. A person commits the crime of unlawful transfer of food stamp coupons or ATP cards if he knowingly transfers food stamp coupons or ATP cards to another not lawfully entitled or approved by the department to receive the food stamp coupons or ATP cards.

2. Unlawful transfer of food stamp coupons or ATP cards is a class D felony unless the face value of said food stamp coupons or ATP cards is less than [one hundred fifty] five hundred dollars, in which case unlawful transfer of food stamp coupons or ATP cards is a class A misdemeanor.

578.385. 1. A person commits the crime of perjury for the purpose of this section if he knowingly makes a false or misleading statement or misrepresents a fact material for the purpose of obtaining public assistance if the false or misleading statement is reduced to writing and verified by the signature of the person making the statement and by the signature of any employee of the Missouri department of social services. The same person may not be charged with unlawfully receiving public assistance benefits and perjury [under] pursuant to this section when both offenses arise from the same application for benefits.

2. A statement or fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect or did substantially affect the granting of public assistance.

3. Knowledge of the materiality of the statement or fact is not an element of this crime, and it is no defense that:

(1) The defendant mistakenly believed the fact to be

1 immaterial; or

2 (2) The defendant was not competent, for reasons other than
3 mental disability, to make the statement.

4 4. Perjury committed as part of a transaction involving the
5 making of an application to obtain public assistance is a class D
6 felony unless the value of the public assistance unlawfully
7 obtained or unlawfully attempted to be obtained is less than [one
8 hundred fifty] five hundred dollars in which case it is a class A
9 misdemeanor.

10 Section B. If any provision of this act or the application
11 thereof to anyone or to any circumstances is held invalid, the
12 remainder of those sections and the application of such
13 provisions to others or other circumstances shall not be affected
14 thereby.