

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1888**  
**91ST GENERAL ASSEMBLY**

4223S.14T

2002

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**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.

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

Section A. 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570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 150.465, 191.905, 252.235, 367.031, 367.044, 367.055, 569.095, 569.097, 569.099,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, to read as follows:

150.465. 1. No itinerant vendor as defined in section 150.380, and no peddler as defined in section 150.470, shall offer for sale:

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

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

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

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

13           **5. Any forged receipt produced pursuant to subsection 4 of this section shall be**  
14 **prosecuted pursuant to section 570.090, RSMo.**

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

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

7           (2) Knowingly concealing the occurrence of any event affecting an initial or continued  
8 right under a medical assistance program to have a health care payment made by a health care  
9 payer for providing health care;

10           (3) Knowingly concealing or failing to disclose any information with the intent to obtain  
11 a health care payment to which the health care provider or any other health care provider is not  
12 entitled, or to obtain a health care payment in an amount greater than that which the health care  
13 provider or any other health care provider is entitled;

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

17           2. No person shall knowingly solicit or receive any remuneration, including any  
18 kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return  
19 for:

20           (1) Referring another person to a health care provider for the furnishing or arranging for  
21 the furnishing of any health care; or

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

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

28           4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in  
29 price obtained by a health care provider if the reduction in price is properly disclosed and

30 appropriately reflected in the claim made by the health care provider to the health care payer, or  
31 any amount paid by an employer to an employee for employment in the provision of health care.

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

35 6. No person shall knowingly abuse a person receiving health care.

36 7. A person who violates subsections 1 to 4 of this section is guilty of a class D felony  
37 upon his first conviction, and shall be guilty of a class C felony upon his second and subsequent  
38 convictions. A prior conviction shall be pleaded and proven as provided by section 558.021,  
39 RSMo. A person who violates subsection 6 of this section shall be guilty of a class C felony,  
40 unless the act involves no physical, sexual or emotional harm or injury and the value of the  
41 property involved is less than [one hundred fifty] **five hundred** dollars, in which event a  
42 violation of subsection 6 of this section is a class A misdemeanor.

43 8. Each separate false statement or false representation of a material fact proscribed by  
44 subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute  
45 a separate offense and a separate violation of this section, whether or not made at the same or  
46 different times, as part of the same or separate episodes, as part of the same scheme or course  
47 of conduct, or as part of the same claim.

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

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

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

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

57 10. Any person convicted of a violation of this section, in addition to any fines, penalties  
58 or sentences imposed by law, shall be required to make restitution to the federal and state  
59 governments, in an amount at least equal to that unlawfully paid to or by the person, and shall  
60 be required to reimburse the reasonable costs attributable to the investigation and prosecution  
61 pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to  
62 the credit of the "Medicaid Fraud Reimbursement Fund", which is hereby established in the state  
63 treasury. Moneys in the Medicaid fraud reimbursement fund shall be divided and appropriated  
64 to the federal government and affected state agencies in order to refund moneys falsely obtained  
65 from the federal and state governments. All of such cost reimbursements attributable to the

66 investigation and prosecution shall be paid and deposited to the credit of the "Medicaid Fraud  
67 Prosecution Revolving Fund", which is hereby established in the state treasury. Moneys in the  
68 Medicaid fraud prosecution revolving fund may be appropriated to the attorney general, or to any  
69 prosecuting or circuit attorney who has successfully prosecuted an action for a violation of  
70 sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the  
71 costs of the attorney general and any such prosecuting or circuit attorney in connection with their  
72 duties provided by sections 191.900 to 191.910. No moneys shall be paid into the Medicaid  
73 fraud protection revolving fund pursuant to this subsection unless the attorney general or  
74 appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this  
75 section, and the court finds in its discretion that payment of attorneys' fees and investigative costs  
76 is appropriate under all the circumstances, and the attorney general and prosecuting or circuit  
77 attorney shall prove to the court those expenses which were reasonable and necessary to the  
78 investigation and prosecution of such case, and the court approves such expenses as being  
79 reasonable and necessary. The provisions of section 33.080, RSMo, notwithstanding, moneys  
80 in the Medicaid fraud prosecution revolving fund shall not lapse at the end of the biennium.

81       11. A person who violates subsections 1 to 4 of this section shall be liable for a civil  
82 penalty of not less than five thousand dollars and not more than ten thousand dollars for each  
83 separate act in violation of such subsections, plus three times the amount of damages which the  
84 state and federal government sustained because of the act of that person, except that the court  
85 may assess not more than two times the amount of damages which the state and federal  
86 government sustained because of the act of the person, if the court finds:

87       (1) The person committing the violation of this section furnished personnel employed  
88 by the attorney general and responsible for investigating violations of sections 191.900 to  
89 191.910 with all information known to such person about the violation within thirty days after  
90 the date on which the defendant first obtained the information;

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

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

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

100       13. The attorney general may bring a civil action against any person who shall receive  
101 a health care payment as a result of a false statement or false representation of a material fact

102 made or caused to be made by that person. The person shall be liable for up to double the  
103 amount of all payments received by that person based upon the false statement or false  
104 representation of a material fact, and the reasonable costs attributable to the prosecution of the  
105 civil action. All such restitution shall be paid and deposited to the credit of the Medicaid fraud  
106 reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit  
107 of the Medicaid fraud prosecution revolving fund. No reimbursement of such costs attributable  
108 to the prosecution of the civil action shall be made or allowed except with the approval of the  
109 court having jurisdiction of the civil action. No civil action provided by this subsection shall be  
110 brought if restitution and civil penalties provided by subsections 10 and 11 of this section have  
111 been previously ordered against the person for the same cause of action.

252.235. The sale, taking for sale or possession for sale of any species of fish or wildlife,  
2 or parts thereof, which shall include eggs, which have been taken or possessed in violation of the  
3 rules and regulations of the commission, is prohibited. Any person violating the provisions of  
4 this section shall be guilty of a class A misdemeanor for the first offense if the sale amounts to  
5 less than [one hundred fifty] **five hundred** dollars. Any person violating the provisions of this  
6 section shall be guilty of a class D felony for the second and subsequent offense if the sale  
7 amounts to less than [one hundred fifty] **five hundred** dollars. Any person violating the  
8 provisions of this section shall be guilty of a class C felony for the first and all subsequent  
9 offenses if the sale amounts to [more than one hundred fifty] **five hundred** dollars **or more**.  
10 "Sale" means the exchange of an amount of money, other negotiable instruments, or property of  
11 value received by the person or persons selling the prohibited species. "Sale", for purposes of  
12 this section, shall also mean the intention to exchange an amount of money, other negotiable  
13 instruments or property of value for a prohibited species. For the purposes of this section  
14 "property" is defined by section 570.010, RSMo, and value shall be ascertained as set forth in  
15 section 570.020, RSMo.

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

- 5 (1) The name and address of the pawnshop;
- 6 (2) The name and address of the pledgor, the pledgor's description, and the driver's  
7 license number, military identification number, identification certificate number, or other official  
8 number capable of identifying the pledgor;
- 9 (3) The date of the transaction;
- 10 (4) An identification and description of the pledged goods, including serial numbers if  
11 reasonably available;

- 12 (5) The amount of cash advanced or credit extended to the pledgor;  
13 (6) The amount of the pawn service charge;  
14 (7) The total amount which must be paid to redeem the pledged goods on the maturity  
15 date;  
16 (8) The maturity date of the pawn transaction; and  
17 (9) A statement to the effect that the pledgor is not obligated to redeem the pledged  
18 goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the  
19 specified maturity date.
- 20 2. The pawnbroker may be required, in accordance with local ordinances, to furnish  
21 [local] **appropriate** law enforcement authorities with copies of information contained in  
22 subdivisions (1) to (4) of subsection 1 of this section **and information contained in subdivision**  
23 **(6) of subsection 4 of section 367.040. The pawnbroker may satisfy such requirements by**  
24 **transmitting such information electronically to a database in accordance with this section,**  
25 **except that paper copies shall be made available for an on-site inspection upon request of**  
26 **any appropriate law enforcement authority.**
- 27 3. As used in this section, the following terms mean:
- 28 (1) "Database", a computer database established and maintained by a third party  
29 engaged in the business of establishing and maintaining one or more databases;  
30 (2) "Permitted user", persons authorized by law enforcement personnel to access  
31 the database;  
32 (3) "Reportable data", the information required to be recorded by pawnbrokers  
33 for pawn transactions pursuant to subdivisions (1) to (4) of subsection 1 of this section and  
34 the information required to be recorded by pawnbrokers for purchase transactions  
35 pursuant to subdivision (6) of subsection 4 of section 367.040;  
36 (5) "Reporting pawnbroker", a pawnbroker who chooses to transmit reportable  
37 data electronically to the database;  
38 (6) "Search", the accessing of a single database record.
- 39 4. The database shall provide appropriate law enforcement officials with the  
40 information contained in subdivisions (1) to (4) of subsection 1 of this section and other  
41 useful information to facilitate the investigation of alleged property crimes while protecting  
42 the privacy rights of pawnbrokers and pawnshop customers with regard to their  
43 transactions.
- 44 5. The database shall contain the pawn and purchase transaction information  
45 recorded by reporting pawnbrokers pursuant to this section and section 367.040 and shall  
46 be updated as requested. The database shall also contain such security features and  
47 protections as may be necessary to ensure that the reportable data maintained in the

48 database can only be accessed by permitted users in accordance with the provisions of this  
49 section.

50 6. The third party's charge for the database shall be based on the number of  
51 permitted users. Law enforcement agencies shall be charged directly for access to the  
52 database, and the charge shall be reasonable in relation to the costs of the third party in  
53 establishing and maintaining the database. No reporting pawnbroker or customer of a  
54 reporting pawnbroker shall be charged any costs for the creation or utilization of the  
55 database.

56 7. (1) The information in the database shall only be accessible through the Internet  
57 to permitted users who have provided a secure identification or access code to the database  
58 but shall allow such permitted users to access database information from any jurisdiction  
59 transmitting such information to that database. Such permitted users shall provide the  
60 database with an identifier number of a criminal action for which the identity of the pawn  
61 or purchase transaction customer is needed and a representation that the information is  
62 connected to an inquiry or to the investigation of a complaint or alleged crime involving  
63 goods delivered by that customer in that transaction. The database shall record, for each  
64 search, the identity of the permitted user, the pawn or purchase transaction involved in the  
65 search, and the identity of any customer accessed through the search. Each search record  
66 shall be made available to other permitted users regardless of their jurisdiction. The  
67 database shall enable reporting pawnbrokers to transmit to the database through the  
68 Internet reportable data for each pawn and purchase transaction.

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

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

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

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

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

79 9. If a reporting pawnbroker or permitted user discovers any error in the  
80 reportable data, notice of such error shall be given to the database, which shall have a  
81 period of thirty days in which to correct the error. Any reporting pawnbroker  
82 experiencing a computer malfunction preventing the transmission of reportable data or  
83 receipt of search requests shall be allowed a period of at least thirty but no more than sixty

84 **days to repair such malfunction, and during such period such pawnbroker shall not be**  
85 **deemed to be in violation of this section if good faith efforts are made to correct the**  
86 **malfunction. During the periods specified in this subsection, the reporting pawnbroker**  
87 **and permitted user shall arrange an alternative method or methods by which the**  
88 **reportable data shall be made available.**

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

92 [3.] **11.** If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the  
93 pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged  
94 goods have not previously been redeemed. Before delivering the pledged goods or issuing a new  
95 pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss,  
96 destruction or theft of the ticket. The pawnbroker shall record on the written statement the  
97 identifying information required, the date the statement is given, and the number of the pawn  
98 ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the  
99 secretary of state pursuant to section 486.205, RSMo, to perform notarial acts in this state.

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

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

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

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

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

17 (5) "Misappropriated", stolen, embezzled, converted, or otherwise wrongfully  
18 appropriated or pledged against the will of the rightful owner or party holding a perfected  
19 security interest;

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



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

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

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

26 3. [To obtain possession of tangible personal property held by a pawnbroker which a  
27 claimant claims to be misappropriated, the claimant may file a petition in a court of competent  
28 jurisdiction in the county where the theft occurred or where the pawnbroker's pawnshop is  
29 located, requesting the return of the property, naming the pawnbroker as a defendant and serving  
30 the pawnbroker with the petition. The provisions of section 482.305, RSMo, to the contrary  
31 notwithstanding, a court of competent jurisdiction shall include a small claims court, even if the  
32 value of the property named in the petition is greater than three thousand dollars. Upon receiving  
33 notice that a petition has been filed by a claimant for the return of property in the pawnbroker's  
34 possession, the pawnbroker shall hold the property identified in the claimant's petition until the  
35 right to possession is resolved by the parties or by a court of competent jurisdiction.

36 4. Upon being served notice that a petition has been filed pursuant to this section, the  
37 pawnbroker may, after determining the validity of the claimant's claim, return the property to the  
38 claimant prior to a decision being rendered on the claimant's petition by the court. The  
39 pawnbroker shall return the property to the claimant free of any principal, interest and service  
40 charges, conditioned only upon the claimant withdrawing the petition filed with a court of  
41 competent jurisdiction seeking the disposition of said property. Property voluntarily returned  
42 by a pawnbroker to a claimant subject to this subsection shall be returned:

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

44 (2) When the property is subject to a pawn transaction contract, the pawnbroker shall  
45 deliver the property to the claimant immediately upon the termination of the pawn transaction  
46 contract, except that if the pledgor of the property subject to a claimant's claim attempts to  
47 redeem the property as provided for by the pawn transaction contract, the pawnbroker may  
48 collect any principal, interest or service charges due and shall hold the property until the right  
49 to possession is resolved by the parties or by a court of competent jurisdiction.

50 The provisions of this section to the contrary notwithstanding, the pawnbroker shall not be  
51 required to pay any costs incurred by the claimant and the claimant shall not be required to pay  
52 any costs incurred by the pawnbroker when the property subject to the claimant's petition is  
53 returned to the claimant pursuant to this subsection.

54 5. When a claimant files a petition pursuant to this section, the pawnbroker may bring  
55 the conveying customer of the alleged misappropriated property into that action as a third-party  
56 defendant. When a claimant files a petition pursuant to this section, the pawnbroker shall bring

57 the conveying customer of the alleged misappropriated property into that action as a third-party  
58 defendant if the pawnbroker has collected any principal, interest or service charges pursuant to  
59 subdivision (2) of subsection 4 of this section. If after notice to the pawnbroker and an  
60 opportunity to add the conveying customer as a defendant, the property in the possession of the  
61 pawnbroker is found by a court of competent jurisdiction to be the claimant's property and the  
62 property is awarded to the claimant by the court, then:

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

65 (2) The conveying customer shall be liable to repay the pawnbroker the full amount  
66 received from the pawnbroker from the pawn or sales transaction, including all applicable fees  
67 and interest charged and the costs incurred by the pawnbroker in pursuing the procedure  
68 described in this section, including attorney's fees.] **A pawnbroker shall require of every**  
69 **person from whom the pawnbroker receives sold or pledged property proof of**  
70 **identification which includes a current address and, if applicable, telephone number, and**  
71 **a current picture identification issued by state or federal government.**

72 **4. If any seller fails to provide a pawnbroker with proof of identification, the**  
73 **pawnbroker shall hold such property for a period of thirty days prior to selling or**  
74 **otherwise transferring such property, provided, the seller has submitted a signed statement**  
75 **that the seller is the legal owner of the property and stating when or from whom such**  
76 **property was acquired by the seller.**

77 **5. To obtain possession of tangible personal property held by a pawnbroker which**  
78 **a claimant claims to be misappropriated, the claimant shall provide the pawnbroker with**  
79 **a written demand for the return of such property, a copy of a police or sheriff report**  
80 **wherein claimant reported the misappropriation or theft of said property and which**  
81 **contains a particularized description of the property or applicable serial number, and a**  
82 **signed affidavit made under oath setting forth they are the true owner of the property, the**  
83 **name and address of the claimant, a description of the property being claimed, the fact that**  
84 **such property was taken from the claimant without the claimant's consent, permission or**  
85 **knowledge, the fact that the claimant has reported the theft to the police, the fact that the**  
86 **claimant will assist in any prosecution relating to such property, the promise that the**  
87 **claimant will respond to court process in any criminal prosecution relating to said property**  
88 **and will testify truthfully as to all facts within the claimant's knowledge and not claim any**  
89 **testimonial privilege with respect to said facts. These documents shall be presented to the**  
90 **pawnbroker concurrently.**

91 **6. Upon being served with a proper demand by a claimant for the return of**  
92 **property pursuant to subsection 5 of this section, the pawnbroker shall return the property**

93 to the claimant, in the presence of a law enforcement officer, within seven days unless the  
94 pawnbroker has good reason to believe that any of the matters set forth in the claimant's  
95 affidavit are false or if there is a hold order on the property pursuant to section 367.055.  
96 If a pawnbroker refuses to deliver property to a claimant upon a proper demand as  
97 described in subsection 5 of this section, the claimant may file a petition in a court of  
98 competent jurisdiction seeking the return of said property. The non-prevailing party shall  
99 be responsible for the costs of said action and the attorney fees of the prevailing party. The  
100 provisions of section 482.305, RSMo, to the contrary notwithstanding, a court of competent  
101 jurisdiction shall include a small claims court, even if the value of the property named in  
102 the petition is greater than three thousand dollars.

103 7. If a pawnbroker returns property to a claimant relying on the veracity of the  
104 affidavit described in subsection 5 of this section, and later learns that the information  
105 contained in said affidavit is false or that the claimant has failed to assist in prosecution or  
106 otherwise testify truthfully with respect to the facts within the claimant's knowledge, the  
107 pawnbroker shall have a cause of action against the claimant for the value of the property.  
108 The non-prevailing party shall be responsible for the cost of said action and the attorney  
109 fees of the prevailing party.

110 8. Nothing contained in this section shall limit a pawnbroker from bringing the  
111 conveying customer into a suit as a third-party, nor limit a pawnbroker from recovering  
112 from a conveying customer repayment of the full amount received from the pawnbroker  
113 from the pawn or sales transaction, including all applicable fees and interest charged,  
114 attorney's fees and the cost of the action.

367.055. 1. Upon request of a law enforcement officer to inspect property that is  
2 described in information furnished by the pawnbroker pursuant to subdivisions (1) to (4) of  
3 subsection 1 of section 367.031, the law enforcement officer shall be entitled to inspect the  
4 property described, without prior notice or the necessity of obtaining a search warrant during  
5 regular business hours in a manner so as to minimize interference with or delay to the  
6 pawnbroker's business operation. When a law enforcement officer has probable cause to believe  
7 that goods or property in the possession of a pawnbroker are misappropriated, the officer may  
8 place a hold order on the property. The hold order shall contain the following:

- 9 (1) The name of the pawnbroker;
- 10 (2) The name and mailing address of the pawnshop where the property is held;
- 11 (3) The name, title and identification number of the law enforcement officer placing the  
12 hold order;
- 13 (4) The name and address of the agency to which the law enforcement officer is attached  
14 and the claim or case number, if any, assigned by the agency to the claim regarding the property;

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

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

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

23 2. Upon receiving the hold order, and subject to the provisions of section 367.047, the  
24 pawnbroker shall retain physical possession of the property subject to the order in a secured area.  
25 The initial holding period of the hold order shall not exceed two months, except that the hold  
26 order may be extended for up to two successive one-month holding periods upon written  
27 notification prior to the expiration of the immediately preceding holding period. A hold order  
28 may be released prior to the expiration of any holding period or extension thereof by written  
29 release from the agency placing the initial hold order. The initial hold order shall be deemed  
30 expired upon the expiration date if the holding period is not extended pursuant to this subsection.

31 3. Upon the expiration of the initial holding period or any extension thereof, the  
32 pawnbroker shall deliver written notice to the law enforcement officer issuing the hold order that  
33 such order has expired and that title to the property subject to the hold order will vest in the  
34 pawnbroker in ten business days. Ownership shall only vest in the pawnbroker upon the  
35 expiration of the ten-day waiting period subject to any restriction contained in the pawn contract  
36 and subject to the provisions of sections 367.044 to 367.053. **Vesting of title and ownership**  
37 **shall be subject to any claim asserted by a claimant pursuant to section 367.044.**

38 4. In addition to the penalty provisions contained in section 367.050, gross negligence  
39 or willful noncompliance with the provisions of this section by a pawnbroker shall be cause for  
40 the licensing authority to suspend or revoke the pawnbroker's license. Any imposed suspensions  
41 or revocation provided for by this subsection may be appealed by the pawnbroker to the licensing  
42 authority or to a court of competent jurisdiction.

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

49 6. All records and information that relate to a pawnbroker's pawn, purchase or trade  
50 transactions and that are delivered to or otherwise obtained by an appropriate law enforcement

51 officer pursuant to sections 367.031 and 367.040 are confidential and may be used only by such  
52 appropriate law enforcement officer and only for the following official law enforcement  
53 purposes:

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

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

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

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

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

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

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

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

13 (5) Accesses a computer, a computer system, or a computer network, and intentionally  
14 examines information about another person;

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

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

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

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

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

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

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

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

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

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

4 (1) Accesses or causes to be accessed any computer, computer system, or computer  
5 network; or

6 (2) Denies or causes the denial of computer system services to an authorized user of such  
7 computer system services, which, in whole or in part, is owned by, under contract to, or operated  
8 for, or on behalf of, or in conjunction with another.

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

570.010. As used in this chapter:

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

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

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

7 (a) To commit any crime; or

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

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

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

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

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

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

15 A threat of accusation, lawsuit or other invocation of official action is not coercion if the  
16 property sought to be obtained by virtue of such threat was honestly claimed as restitution or  
17 indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit  
18 or other official action relates, or as compensation for property or lawful service. The defendant  
19 shall have the burden of injecting the issue of justification as to any threat;

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

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

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

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

34 (8) "Deprive" means:

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

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

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

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

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

46 (11) "Of another" property or services is that "of another" if any natural person,  
47 corporation, partnership, association, governmental subdivision or instrumentality, other than  
48 the actor, has a possessory or proprietary interest therein, except that property shall not be  
49 deemed property of another who has only a security interest therein, even if legal title is in the

50 creditor pursuant to a conditional sales contract or other security arrangement;

51 [(11)] (12) "Property" means anything of value, whether real or personal, tangible or  
52 intangible, in possession or in action, and shall include but not be limited to the evidence of a  
53 debt actually executed but not delivered or issued as a valid instrument;

54 [(12)] (13) "Receiving" means acquiring possession, control or title or lending on the  
55 security of the property;

56 [(13)] (14) "Services" includes transportation, telephone, electricity, gas, water, or other  
57 public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and  
58 use of vehicles;

59 [(14)] (15) "Writing" includes printing, any other method of recording information,  
60 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and  
61 any other symbols of value, right, privilege or identification.

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

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

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

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

13 (b) The value of any other instrument which creates, releases, discharges or otherwise  
14 affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of  
15 economic loss which the owner of the instrument might reasonably suffer by virtue of the loss  
16 of the instrument;

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

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

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



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

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

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

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

14 **(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,**  
15 **transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or**  
16 **universal price code label, or possesses with intent to cheat or defraud, the device that**  
17 **manufactures fraudulent receipts or universal price code labels.**

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

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

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

24 (3) The property appropriated consists of:

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

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

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

28 (d) Any firearms; or

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

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

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

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

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

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

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

39 **(l) Anhydrous ammonia.**

40 4. If an actor appropriates any material with a value less than [one] **five** hundred [fifty]  
41 dollars in violation of this section with the intent to use such material to manufacture, compound,

42 produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues,  
43 then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid  
44 nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class  
45 C felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank  
46 trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

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

50 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection  
51 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection  
52 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars  
53 is guilty of a class B felony.

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

57 8. Any violation of this section for which no other penalty is specified in this section is  
58 a class A misdemeanor.

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

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

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

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

18 3. Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out of  
19 the hearing of the jury, prior to the submission of the case to the jury, and the court shall

20 determine the existence of the prior guilty pleas or findings of guilt.

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

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

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

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

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

12 3. Receiving stolen property is a class A misdemeanor unless the property involved has  
13 a value of [one hundred fifty] **five hundred** dollars or more, or the person receiving the property  
14 is a dealer in goods of the type in question, in which cases receiving stolen property is a class C  
15 felony.

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

3 (1) Destroys, removes, covers, conceals, alters, defaces, or causes to be destroyed,  
4 removed, covered, concealed, altered, or defaced, the manufacturer's original serial number or  
5 other distinguishing owner-applied number or mark, on any item which bears a serial number  
6 attached by the manufacturer or distinguishing number or mark applied by the owner of the item,  
7 for any reason whatsoever;

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

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

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

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

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

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

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

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

14 2. Forgery is a class C felony.

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

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

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

10 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing"  
11 means notice of the nonpayment which is actually received by the defendant. Such notice may  
12 include the service of summons or warrant upon the defendant for the initiation of the  
13 prosecution of the check or checks which are the subject matter of the prosecution if the  
14 summons or warrant contains information of the ten-day period during which the instrument may  
15 be paid and that payment of the instrument within such ten-day period will result in dismissal  
16 of the charges. The requirement of notice shall also be satisfied for written communications  
17 which are tendered to the defendant and which the defendant refuses to accept.

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

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

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

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

25           5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney  
26 or circuit attorney who takes any action pursuant to the provisions of this section shall collect  
27 from the issuer in such action an administrative handling cost. The cost shall be five dollars for  
28 checks of less than ten dollars, ten dollars for checks of ten dollars but less than one hundred  
29 dollars, and twenty-five dollars for checks of one hundred dollars or more. For checks of one  
30 hundred dollars or more an additional fee of ten percent of the face amount shall be assessed,  
31 with a maximum fee for administrative handling costs not to exceed fifty dollars total.  
32 Notwithstanding the provisions of sections 50.525 to 50.745, RSMo, the costs provided for in  
33 this subsection shall be deposited by the county treasurer into a separate interest-bearing fund  
34 to be expended by the prosecuting attorney or circuit attorney. The funds shall be expended,  
35 upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to  
36 issue checks thereon, only for purposes related to that previously authorized in this section. Any  
37 revenues that are not required for the purposes of this section may be placed in the general  
38 revenue fund of the county or city not within a county. **Notwithstanding any law to the**  
39 **contrary, in addition to the administrative handling cost, the prosecuting attorney or**  
40 **circuit attorney shall collect an additional cost of one dollar per check for deposit to the**  
41 **Missouri office of prosecution services fund established in subsection 2 of section 56.765,**  
42 **RSMo. All moneys collected pursuant to this section which are payable to the Missouri**  
43 **office of prosecution services fund shall be transmitted at least monthly by the county**  
44 **treasurer to the director of revenue who shall deposit the amount collected pursuant to the**  
45 **credit of the Missouri office of prosecution services fund under the procedure established**  
46 **pursuant to subsection 2 of section 56.765, RSMo.**

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

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

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

56           6. [Notwithstanding any other provisions of law to the contrary, in addition to the  
57 administrative handling costs provided for in subsection 5 of this section, the prosecuting  
58 attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face  
59 amount of the check, a reasonable service charge, which along with the face amount of the check  
60 shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney

61 or circuit attorney does not collect the service charge and the face amount of the check, the party  
62 to whom the check was issued may collect from the issuer a reasonable service charge along with  
63 the face amount of the check] **Notwithstanding any other provision of law to the contrary:**

64 **(1) In addition to the administrative handling costs provided for in subsection 5 of**  
65 **this section, the prosecuting attorney or circuit attorney may collect from the issuer, in**  
66 **addition to the face amount of the check, a reasonable service charge, which along with the**  
67 **face amount of the check, shall be turned over to the party to whom the bad check was**  
68 **issued;**

69 **(2) If a check that is dishonored or returned unpaid by a financial institution is not**  
70 **referred to the prosecuting attorney or circuit attorney for any action pursuant to the**  
71 **provisions of this section, the party to whom the check was issued, or his or her agent or**  
72 **assignee, or a holder, may collect from the issuer, in addition to the face amount of the**  
73 **check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal**  
74 **to the actual charge by the depository institution for the return of each unpaid or**  
75 **dishonored instrument.**

76 7. In all cases where a prosecutor receives notice from the original holder that a person  
77 has violated this section with respect to a payroll check or order, the prosecutor, if he determines  
78 there is a violation of this section, shall file an information or seek an indictment within sixty  
79 days of such notice and may file an information or seek an indictment thereafter if the prosecutor  
80 has failed through neglect or mistake to do so within sixty days of such notice and if he  
81 determines there is sufficient evidence shall further prosecute such cases.

82 8. When any financial institution returns a dishonored check to the person who deposited  
83 such check, it shall be in substantially the same physical condition as when deposited, or in such  
84 condition as to provide the person who deposited the check the information required to identify  
85 the person who wrote the check.

570.123. In addition to all other penalties provided by law, any person who makes,  
2 utters, draws, or delivers any check, draft, or order for the payment of money upon any bank,  
3 savings and loan association, credit union, or other depository, financial institution, person, firm,  
4 or corporation which is not honored because of lack of funds or credit to pay or because of not  
5 having an account with the drawee and who fails to pay the amount for which such check, draft,  
6 or order was made in cash to the holder within thirty days after notice and a written demand for  
7 payment, deposited as certified or registered mail in the United States mail, **or by regular mail,**  
8 **supported by an affidavit of service by mailing, notice deemed conclusive three days**  
9 **following the date the affidavit is executed,** and addressed to the maker and to the endorser,  
10 if any, of the check, draft, or order at each of their addresses as it appears on the check, draft, or  
11 order or to the last known address, shall, in addition to the face amount owing upon such check,

12 draft, or order, be liable to the holder for three times the face amount owed or one hundred  
13 dollars, whichever is greater, plus attorney fees incurred in bringing an action pursuant to this  
14 section. Only the original holder, whether the holder is a person, bank, savings and loan  
15 association, credit union, or other depository, financial institution, firm or corporation, may bring  
16 an action [under] **pursuant to** this section. No original holder shall bring an action pursuant to  
17 this section if the original holder has been paid the face amount of the check and costs recovered  
18 by the prosecuting attorney or circuit attorney pursuant to subsection 6 of section 570.120. If the  
19 issuer of the check has paid the face amount of the check and costs pursuant to subsection 6 of  
20 section 570.120, such payment shall be an affirmative defense to any action brought pursuant to  
21 this section. The original holder shall elect to bring an action [under] **pursuant to** this section  
22 or section 570.120, but may not bring an action [under] **pursuant to** both sections. In no event  
23 shall the damages allowed [under] **pursuant to** this section exceed five hundred dollars,  
24 exclusive of attorney fees. In situations involving payroll checks, the damages allowed [under]  
25 **pursuant to** this section shall only be assessed against the employer who issued the payroll  
26 check and not against the employee to whom the payroll check was issued. The provisions of  
27 sections 408.140 and 408.233, RSMo, to the contrary notwithstanding, a lender may bring an  
28 action pursuant to this section. The provisions of this section will not apply in cases where there  
29 exists a bona fide dispute over the quality of goods sold or services rendered.

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

4 2. Fraudulently stopping payment of an instrument is a class A misdemeanor, unless the  
5 face amount of the check or draft is [one hundred fifty] **five hundred** dollars or more or, if the  
6 stopping of payment of more than one check or draft is involved in the same course of conduct,  
7 the aggregate amount is [one hundred fifty] **five hundred** dollars or more, in which case the  
8 offense is a class D felony.

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

15 4. "Notice in writing" means notice deposited as certified or registered mail in the United  
16 States mail and addressed to the issuer at his address as it appears on the dishonored check or  
17 draft or to his last known address. The notice shall contain a statement that failure to make good  
18 the check or draft within ten days of receipt of the notice may subject the issuer to criminal

19 prosecution.

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

- 4 (1) The device is stolen, fictitious or forged; or
- 5 (2) The device has been revoked or canceled; or
- 6 (3) For any other reason his use of the device is unauthorized.

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

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

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

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

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

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

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

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

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

18 3. The crime of library theft is a class C felony if the value of the library material is [one  
19 hundred and fifty] **five hundred** dollars or more; otherwise, library theft is a class C  
20 misdemeanor.

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

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

5 (2) Knowingly assists another person in obtaining or attempting to obtain cable



6 television service without paying all lawful compensation to the operator of such service; or

7 (3) Knowingly connects to, tampers with or otherwise interferes with any cables, wires  
8 or other devices used for the distribution of cable television if the effect of such action is to  
9 obtain cable television without paying all lawful compensation therefor; or

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

12 2. Theft of cable television service is a class C felony if the value of the service  
13 appropriated is [one hundred fifty] **five hundred** dollars or more; otherwise theft of cable  
14 television services is a class A misdemeanor.

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

21 4. The existence on the property and in the actual possession of the accused of any  
22 connection wire, or conductor, 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 and specifically authorized by  
24 the operator of the cable television service shall be sufficient to support an inference which the  
25 trial court may submit to the trier of fact, from which the trier of fact may conclude that the  
26 accused has committed the crime of theft of cable television service.

27 5. If a cable television company either:

28 (1) Provides unsolicited cable television service; or

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

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

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

578.150. 1. A person commits the crime of failing to return leased or rented property  
2 if, with the intent to deprive the owner thereof, he purposefully fails to return leased or rented

3 personal property to the place and within the time specified in an agreement in writing providing  
4 for the leasing or renting of such personal property. In addition, any person who has leased or  
5 rented personal property of another who conceals the property from the owner, or who otherwise  
6 sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the crime  
7 of failing to return leased or rented property. The provisions of this section shall apply to all  
8 forms of leasing and rental agreements, including, but not limited to, contracts which provide  
9 the consumer options to buy the leased or rented personal property, lease-purchase agreements  
10 and rent-to-own contracts. For the purpose of determining if a violation of this section has  
11 occurred, leasing contracts which provide options to buy the merchandise are owned by the  
12 owner of the property until such time as the owner endorses the sale and transfer of ownership  
13 of the leased property to the lessee.

14         2. It shall be prima facie evidence of the crime of failing to return leased or rented  
15 property when a person who has leased or rented personal property of another willfully fails to  
16 return or make arrangements acceptable with the lessor to return the personal property to its  
17 owner at the owner's place of business within ten days after proper notice following the  
18 expiration of the lease or rental agreement, except that if the motor vehicle has not been returned  
19 within seventy-two hours after the expiration of the lease or rental agreement, such failure to  
20 return the motor vehicle shall be prima facie evidence of the intent of the crime of failing to  
21 return leased or rented property. Where the leased or rented property is a motor vehicle, if the  
22 motor vehicle has not been returned within seventy-two hours after the expiration of the lease  
23 or rental agreement, the lessor may notify the local law enforcement agency of the failure of the  
24 lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor  
25 vehicle to be put into any appropriate state and local computer system listing stolen motor  
26 vehicles. Any law enforcement officer which stops such a motor vehicle may seize the motor  
27 vehicle and notify the lessor that he may recover such motor vehicle after it is photographed and  
28 its vehicle identification number is recorded for evidentiary purposes. Where the leased or  
29 rented property is not a motor vehicle, if such property has not been returned within the ten-day  
30 period prescribed in this subsection, the owner of the property shall report the failure to return  
31 the property to the local law enforcement agency, and such law enforcement agency may within  
32 five days notify the person who leased or rented the property that such person is in violation of  
33 this section, and that failure to immediately return the property may subject such person to arrest  
34 for the violation.

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

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

43           5. Any person who has leased or rented personal property of another who destroys such  
44 property so as to avoid returning it to the owner shall be guilty of property damage pursuant to  
45 section 569.100 or 569.120, RSMo, in addition to being in violation of this section.

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

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

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

5           2. Unlawfully receiving food stamp coupons or ATP cards is a class D felony unless the  
6 face value of the food stamp coupon or ATP cards is less than [one hundred fifty] **five hundred**  
7 dollars, in which case unlawful receiving of food stamp coupons and ATP cards is a class A  
8 misdemeanor.

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

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

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

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

578.385. 1. A person commits the crime of perjury for the purpose of this section if he

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

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

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

12             (1) The defendant mistakenly believed the fact to be immaterial; or

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

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

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