

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 254**  
98TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 4, 2015, with recommendation that the Senate Committee Substitute do pass.

0982S.02C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and to enact in lieu thereof two new sections relating to stealing, with penalty provisions.

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

Section A. Section 570.010 as enacted by house bill no. 1888, ninety-first  
2 general assembly, second regular session, section 570.030 as enacted by senate  
3 bill no. 491, ninety-seventh general assembly, second regular session, and section  
4 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first  
5 regular session, are repealed and two new sections enacted in lieu thereof, to be  
6 known as sections 570.010 and 570.030, to read as follows:

570.010. As used in this chapter:

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

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

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

8 (a) To commit any crime; or

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

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

- 11 (c) To accuse any person of any crime; or
- 12 (d) To expose any person to hatred, contempt or ridicule; or
- 13 (e) To harm the credit or business repute of any person; or
- 14 (f) To take or withhold action as a public servant, or to cause a public
- 15 servant to take or withhold action; or
- 16 (g) To inflict any other harm which would not benefit the actor. A threat
- 17 of accusation, lawsuit or other invocation of official action is not coercion if the
- 18 property sought to be obtained by virtue of such threat was honestly claimed as
- 19 restitution or indemnification for harm done in the circumstances to which the
- 20 accusation, exposure, lawsuit or other official action relates, or as compensation
- 21 for property or lawful service. The defendant shall have the burden of injecting
- 22 the issue of justification as to any threat;
- 23 (4) "Credit device" means a writing, number or other device purporting to
- 24 evidence an undertaking to pay for property or services delivered or rendered to
- 25 or upon the order of a designated person or bearer;
- 26 (5) "Dealer" means a person in the business of buying and selling goods;
- 27 (6) "Debit device" means a card, code, number or other device, other than
- 28 a check, draft or similar paper instrument, by the use of which a person may
- 29 initiate an electronic fund transfer, including but not limited to devices that
- 30 enable electronic transfers of benefits to public assistance recipients;
- 31 (7) "Deceit" means purposely making a representation which is false and
- 32 which the actor does not believe to be true and upon which the victim relies, as
- 33 to a matter of fact, law, value, intention or other state of mind. The term "deceit"
- 34 does not, however, include falsity as to matters having no pecuniary significance,
- 35 or puffing by statements unlikely to deceive ordinary persons in the group
- 36 addressed. Deception as to the actor's intention to perform a promise shall not
- 37 be inferred from the fact alone that he did not subsequently perform the promise;
- 38 (8) "Deprive" means:
- 39 (a) To withhold property from the owner permanently; or
- 40 (b) To restore property only upon payment of reward or other
- 41 compensation; or
- 42 (c) To use or dispose of property in a manner that makes recovery of the
- 43 property by the owner unlikely;
- 44 (9) **"Financial institution" means a bank, trust company, savings**
- 45 **and loan association, or credit union;**
- 46 (10) "Misabeled" means varying from the standard of truth or disclosure

47 in labeling prescribed by statute or lawfully promulgated administrative  
48 regulations of this state lawfully filed, or if none, as set by commercial usage; or  
49 represented as being another person's product, though otherwise accurately  
50 labeled as to quality and quantity;

51 [(10)] (11) "New and unused property" means tangible personal property  
52 that has never been used since its production or manufacture and is in its  
53 original unopened package or container if such property was packaged;

54 [(11)] (12) "Of another" property or services is that "of another" if any  
55 natural person, corporation, partnership, association, governmental subdivision  
56 or instrumentality, other than the actor, has a possessory or proprietary interest  
57 therein, except that property shall not be deemed property of another who has  
58 only a security interest therein, even if legal title is in the creditor pursuant to  
59 a conditional sales contract or other security arrangement;

60 [(12)] (13) "Property" means anything of value, whether real or personal,  
61 tangible or intangible, in possession or in action, and shall include but not be  
62 limited to the evidence of a debt actually executed but not delivered or issued as  
63 a valid instrument;

64 [(13)] (14) "Receiving" means acquiring possession, control or title or  
65 lending on the security of the property;

66 [(14)] (15) "Services" includes transportation, telephone, electricity, gas,  
67 water, or other public service, accommodation in hotels, restaurants or elsewhere,  
68 admission to exhibitions and use of vehicles;

69 [(15)] (16) "Writing" includes printing, any other method of recording  
70 information, money, coins, negotiable instruments, tokens, stamps, seals, credit  
71 cards, badges, trademarks and any other symbols of value, right, privilege or  
72 identification.

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

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

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

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

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

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

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

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

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

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

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

39           4. The offense of stealing is a class C felony if the value of the property  
40 or services appropriated is twenty-five thousand dollars or more.

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

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

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

46           (3) The property appropriated consists of:

- 47 (a) Any motor vehicle, watercraft or aircraft;
- 48 (b) Any will or unrecorded deed affecting real property;
- 49 (c) Any credit device, debit device or letter of credit;
- 50 (d) Any firearms;
- 51 (e) Any explosive weapon as defined in section 571.010;
- 52 (f) Any United States national flag designed, intended and used for  
53 display on buildings or stationary flagstaffs in the open;
- 54 (g) Any original copy of an act, bill or resolution, introduced or acted upon  
55 by the legislature of the state of Missouri;
- 56 (h) Any pleading, notice, judgment or any other record or entry of any  
57 court of this state, any other state or of the United States;
- 58 (i) Any book of registration or list of voters required by chapter 115;
- 59 (j) Any animal considered livestock as that term is defined in section  
60 144.010;
- 61 (k) Any live fish raised for commercial sale with a value of seventy-five  
62 dollars or more;
- 63 (l) Any captive wildlife held under permit issued by the conservation  
64 commission;
- 65 (m) Any controlled substance as defined by section 195.010;
- 66 (n) Ammonium nitrate;
- 67 (o) Any wire, electrical transformer, or metallic wire associated with  
68 transmitting telecommunications, video, internet, or voice over internet protocol  
69 service, or any other device or pipe that is associated with conducting electricity  
70 or transporting natural gas or other combustible fuels; or
- 71 (p) Any material appropriated with the intent to use such material to  
72 manufacture, compound, produce, prepare, test or analyze amphetamine or  
73 methamphetamine or any of their analogues.
- 74 6. The offense of stealing is a class E felony if:
- 75 (1) The property appropriated is an animal; or
- 76 (2) A person has previously been found guilty of three stealing-related  
77 offenses committed on three separate occasions where such offenses occurred  
78 within ten years of the date of occurrence of the present offense.
- 79 7. The offense of stealing is a class D misdemeanor if the property is not  
80 of a type listed in subsection 2, 3, 5, or 6 of this section, the property  
81 appropriated has a value of less than one hundred fifty dollars, and the person  
82 has no previous findings of guilt for a stealing-related offense.

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

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

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

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

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

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

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

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

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

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

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

21           3. Notwithstanding any other provision of law, any offense in which the  
22 value of property or services is an element is a class C felony if:

23 (1) The value of the property or services appropriated is five hundred  
24 dollars or more but less than twenty-five thousand dollars; or

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

27 (3) The property appropriated consists of:

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

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

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

31 (d) Any firearms; or

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

33 (f) A United States national flag designed, intended and used for display  
34 on buildings or stationary flagstaffs in the open; or

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

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

39 (i) Any book of registration or list of voters required by chapter 115; or

40 (j) Any animal considered livestock as that term is defined in section  
41 144.010; or

42 (k) Live fish raised for commercial sale with a value of seventy-five  
43 dollars; or

44 (l) Captive wildlife held under permit issued by the conservation  
45 commission; or

46 (m) Any controlled substance as defined by section 195.010; or

47 (n) Anhydrous ammonia;

48 (o) Ammonium nitrate; or

49 (p) Any document of historical significance which has fair market value  
50 of five hundred dollars or more.

51 4. Notwithstanding any other provision of law, stealing of any animal  
52 considered livestock, as that term is defined in section 144.010, is a class B felony  
53 if the value of the livestock exceeds ten thousand dollars.

54 5. If an actor appropriates any material with a value less than five  
55 hundred dollars in violation of this section with the intent to use such material  
56 to manufacture, compound, produce, prepare, test or analyze amphetamine or  
57 methamphetamine or any of their analogues, then such violation is a class C  
58 felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any

59 attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class  
60 B felony. The theft of any amount of anhydrous ammonia by appropriation of a  
61 tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or  
62 field applicator is a class A felony.

63 **6. If the actor appropriates or attempts to appropriate property**  
64 **that is owned by or in the custody of a financial institution and the**  
65 **property is taken or attempted to be taken physically from an**  
66 **individual person to deprive the owner or custodian of the property,**  
67 **the theft is a class B felony.**

68 **7.** The theft of any item of property or services pursuant to subsection 3  
69 of this section which exceeds five hundred dollars may be considered a separate  
70 felony and may be charged in separate counts.

71 **[7.] 8.** Any person with a prior conviction of paragraph (j) or (l) of  
72 subdivision (3) of subsection 3 of this section and who violates the provisions of  
73 paragraph (j) or (l) of subdivision (3) of subsection 3 of this section when the  
74 value of the animal or animals stolen exceeds three thousand dollars is guilty of  
75 a class B felony. Notwithstanding any provision of law to the contrary, such  
76 person shall serve a minimum prison term of not less than eighty percent of his  
77 or her sentence before he or she is eligible for probation, parole, conditional  
78 release, or other early release by the department of corrections.

79 **[8.] 9.** Any offense in which the value of property or services is an  
80 element is a class B felony if the value of the property or services equals or  
81 exceeds twenty-five thousand dollars.

82 **[9.] 10.** Any violation of this section for which no other penalty is  
83 specified in this section is a class A misdemeanor.

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