

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 371
97TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 18, 2013, with recommendation that the Senate Committee Substitute do pass.

1835S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 261.100, 267.655, and 570.030, RSMo, and to enact in lieu thereof three new sections relating to agriculture, with a penalty provision.

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

Section A. Sections 261.100, 267.655, and 570.030, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 261.100,
3 267.655, and 570.030, to read as follows:

261.100. Within the limit of funds specifically appropriated for [that] **this**
2 purpose, the director of the department of agriculture may operate an animal
3 export inspection facility meeting the requirements of the United States
4 Department of Agriculture for animal inspection prior to export shipments.

267.655. In addition to the remedies provided for in sections 267.560 to
2 267.660 by law, **the following penalties may be imposed:**

3 **(1) If the director determines, after inquiry and opportunity for**
4 **a hearing, that any individual is in violation of any provision of**
5 **sections 267.560 to 267.660, or any regulations issued thereunder, the**
6 **director shall have the authority to assess a civil penalty of not more**
7 **than one thousand dollars per incident. In the event that a person**
8 **penalized or ordered to pay restitution under this section fails to pay**
9 **the penalty or restitution, the director may apply to the circuit court**
10 **of Cole County for, and the court is authorized to enter, an order**
11 **enforcing the assessed penalty or restitution;**

12 **(2) The prosecuting attorney of any county in which a violation of any**
13 **provisions of sections 267.560 to 267.660 occurs or the attorney general of the**

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

14 state, is hereby authorized to apply to any court of competent jurisdiction for, and
15 such court shall have jurisdiction upon hearing and for cause shown to grant a
16 temporary or permanent injunction to restrain any person from violating any
17 provisions of sections 267.560 to 267.660.

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)] (k) Captive wildlife held under permit issued by the conservation
45 commission; or

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

47 [(n)] (m) Anhydrous ammonia;

48 [(o)] (n) Ammonium nitrate; or

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

51 **4. Notwithstanding any other provision of law, stealing of any**
52 **animal considered livestock, as that term is defined in section 144.010,**
53 **is a class B felony.**

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

66 [6.] **7.** Any person with a prior conviction of paragraph (j) or (l) of
67 subdivision (3) of subsection 3 of this section and who violates the provisions of
68 paragraph (j) or (l) of subdivision (3) of subsection 3 of this section when the

69 value of the animal or animals stolen exceeds three thousand dollars is guilty of
70 a class B felony. Notwithstanding any provision of law to the contrary, such
71 person shall serve a minimum prison term of not less than eighty percent of his
72 or her sentence before he or she is eligible for probation, parole, conditional
73 release, or other early release by the department of corrections.

74 [7.] 8. Any offense in which the value of property or services is an
75 element is a class B felony if the value of the property or services equals or
76 exceeds twenty-five thousand dollars.

77 [8.] 9. Any violation of this section for which no other penalty is specified
78 in this section is a class A misdemeanor.

Unofficial ✓

Bill

Copy