

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 1637, Page 1, Section A, Line 2, by inserting after all of said section and  
2 line the following:

3  
4 "407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any  
5 secondhand property who obtains items for resale or profit shall keep a register containing a written  
6 or electronic record for each purchase or ~~[trade-in which]~~ trade-in of each type of material subject to  
7 the provisions of this section ~~[is]~~ obtained for value. There shall be a separate record for each  
8 transaction involving any:

9 (1) Copper, brass, or bronze;

10 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

11 (3) Material containing copper or aluminum that is knowingly used for farming purposes as  
12 farming is defined in section 350.010; whatever may be the condition or length of such metal;

13 (4) Detached catalytic converter; or

14 (5) Motor vehicle, heavy equipment, or tractor battery.

15 2. The record required by this section shall contain the following data:

16 (1) A copy of the driver's license, or other photo identification issued by the state or by the  
17 United States government or agency thereof, of the person from whom the material is obtained;

18 (2) The current address, gender, birth date, and a color photograph of the person from whom  
19 the material is obtained if not included or are different from the identification required in  
20 subdivision (1) of this subsection;

21 (3) The date, time, and place of the transaction;

22 (4) The license plate number of the vehicle used by the seller during the transaction; ~~[and]~~

23 (5) A full description of the material, including the weight and purchase price; and

24 (6) If the purchase or trade-in includes a detached catalytic converter:

25 (a) Either proof the seller is a bona fide automobile repair shop or an affidavit that attests the  
26 detached catalytic converter was acquired lawfully; and

27 (b) The make, model, year, and vehicle identification number of the vehicle from which the  
28 detached catalytic converter originated.

29 3. (1) The records required under this section shall be maintained in order of transaction  
30 date for a minimum of ~~[thirty-six months]~~ four years from when such material is obtained and shall

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1 be available for inspection by any law enforcement officer.

2 (2) The department of public safety shall create and make available on the department  
3 website a standardized form for recording the records required under this section.

4 (3) At least monthly, a purchaser or collector of, or dealer in, junk, scrap metal, or any  
5 secondhand property shall submit to a local law enforcement agency with jurisdiction over the  
6 purchaser's, collector's, or dealer's primary place of business the records required under this section  
7 on the department of public safety's form, with copies of the purchaser's, collector's, or dealer's other  
8 records, if any, attached. The submission may be in either a paper or electronic format. A law  
9 enforcement agency may prescribe the format of forms submitted electronically.

10 4. No transaction that includes a detached catalytic converter shall occur at any location  
11 other than the ~~[fixed]~~ primary place of business of the purchaser or collector of, or dealer in, junk,  
12 scrap metal, or any secondhand property. No detached catalytic converter shall be altered, modified,  
13 disassembled, or destroyed until it has been in the purchaser's, collector's, or dealer's possession for  
14 five business days.

15 5. ~~Anyone [licensed under section 301.218 who knowingly purchases a stolen detached~~  
16 ~~catalytic converter shall be subject to the following penalties:~~

17 ~~(1) For a first violation, a fine in the amount of five thousand dollars;~~

18 ~~(2) For a second violation, a fine in the amount of ten thousand dollars; and~~

19 ~~(3) For a third violation, revocation of the]~~ convicted of violating this section shall be guilty  
20 of a class B misdemeanor and shall be subject to having any license for a business described under  
21 section 301.218 revoked.

22 6. This section shall not apply to ~~[either of]~~ the following transactions:

23 (1) Any transaction for which the total amount paid for all regulated material purchased or  
24 sold does not exceed fifty dollars, unless the material is a detached catalytic converter;

25 (2) Any transaction for which the seller, including a farm or farmer, has an existing business  
26 relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase  
27 to be an established business or political subdivision that operates a business with a fixed location  
28 that can be reasonably expected to generate regulated scrap metal and can be reasonably identified  
29 as such a business, [and for which the seller is paid by check or by electronic funds transfer, or the  
30 seller produces an acceptable identification, which shall be a copy of the driver's license or photo  
31 identification issued by the state or by the United States government or agency thereof, and a copy  
32 is retained by the purchaser] unless the material is a detached catalytic converter; or

33 ~~[(2)]~~ (3) Any transaction for which the type of metal subject to subsection 1 of this section is  
34 a minor part of a larger item, except for [heating and cooling equipment or] equipment, including  
35 equipment with a detached catalytic converter used in the generation and transmission of electrical  
36 power or telecommunications.

37 570.030. 1. A person commits the offense of stealing if he or she:

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

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

4 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or  
5 disposes of property of another [~~knowing~~] and knows that it has been stolen, [~~or believing~~] believes  
6 that it has been stolen, or reasonably should suspect that it has been stolen.

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

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

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

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

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

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

28 (5) The property appropriated or attempted to be appropriated is owned by or in the custody  
29 of a financial institution and the property is taken or attempted to be taken physically from an  
30 individual person to deprive the owner or custodian of the property.

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

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

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

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

36 (3) The property appropriated consists of:

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

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

39 (c) Any credit device, debit device or letter of credit;

- 1 (d) Any firearms;
- 2 (e) Any explosive weapon as defined in section 571.010;
- 3 (f) Any United States national flag designed, intended and used for display on buildings or  
4 stationary flagstaffs in the open;
- 5 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the  
6 legislature of the state of Missouri;
- 7 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,  
8 any other state or of the United States;
- 9 (i) Any book of registration or list of voters required by chapter 115;
- 10 (j) Any animal considered livestock as that term is defined in section 144.010;
- 11 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
- 12 (l) Any captive wildlife held under permit issued by the conservation commission;
- 13 (m) Any controlled substance as defined by section 195.010;
- 14 (n) Ammonium nitrate;
- 15 (o) Any wire, electrical transformer, or metallic wire associated with transmitting  
16 telecommunications, video, internet, or voice over internet protocol service, or any other device or  
17 pipe that is associated with conducting electricity or transporting natural gas or other combustible  
18 fuels; or
- 19 (p) Any material appropriated with the intent to use such material to manufacture,  
20 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their  
21 analogues.
- 22 6. The offense of stealing is a class E felony if:
- 23 (1) The property appropriated is an animal;
- 24 (2) The property is a detached catalytic converter; or
- 25 (3) A person has previously been found guilty of three stealing-related offenses committed  
26 on three separate occasions where such offenses occurred within ten years of the date of occurrence  
27 of the present offense.
- 28 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in  
29 subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred  
30 fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.
- 31 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this  
32 section.
- 33 9. If a violation of this section is subject to enhanced punishment based on prior findings of  
34 guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section  
35 558.021.
- 36 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6  
37 of this section or of a value of seven hundred fifty dollars or more may be considered a separate  
38 felony and may be charged in separate counts.
- 39 11. The value of property or services appropriated pursuant to one scheme or course of

1 conduct, whether from the same or several owners and whether at the same or different times,  
2 constitutes a single criminal episode and may be aggregated in determining the grade of the offense,  
3 except as set forth in subsection 10 of this section."; and  
4  
5 Further amend said bill by amending the title, enacting clause, and intersectional references  
6 accordingly.