

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

Offered By

1 AMEND House Bill No. 1637, Page 1, Section 570.212, Line 11, by inserting after said section and  
2 line, the following:

3  
4 "578.444. 1. This section shall be known and may be cited as the "Missouri Racketeer  
5 Influenced and Corrupt Organization (RICO) Act".

6 2. As used in this section, the following terms mean:

7 (1) "Enterprise", any individual, sole proprietorship, partnership, corporation, union or other  
8 legal entity, or any association or group of individuals associated in fact although not a legal entity.

9 "Enterprise" includes illicit as well as licit enterprises and governmental as well as other entities;

10 (2) "Pattern of racketeering activity", engaging in at least two incidents of racketeering  
11 activity:

12 (a) That have the same or similar intents, results, accomplices, victims, or methods of  
13 commission, or that otherwise are interrelated by distinguishing characteristics and are not isolated  
14 incidents; and

15 (b) Where at least one of the incidents occurred after August 28, 2022, and the last of such  
16 incidents occurred within five years after a prior incident of racketeering activity;

17 (3) "Racketeering activity" committing; attempting to commit; conspiring to commit; or  
18 soliciting, coercing, or intimidating another person to commit any offense relating to:

19 (a) Fraud in connection with any state or federally funded assistance program;

20 (b) The Missouri securities act;

21 (c) Unlawful possession, use, and transportation of explosives;

22 (d) Murder or manslaughter;

23 (e) Assault in the first or second degree;

24 (f) Kidnapping;

25 (g) Robbery;

26 (h) Burglary;

27 (i) Arson;

28 (j) Prostitution or promoting prostitution;

29 (k) Human trafficking;

30 (l) Controlled substances; provided, however, that in order to be classified as "racketeering

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1 activity," such offense shall be punishable by imprisonment for more than one year;

2 (m) Forgery and counterfeiting;

3 (n) The administration of justice;

4 (o) Gambling and lotteries;

5 (p) Money laundering;

6 (q) Stealing;

7 (r) Tampering with a witness or victim;

8 (s) Tampering with physical evidence;

9 (t) Sexual abuse;

10 (u) The use or possession of a firearm or other weapon while committing or attempting to  
11 commit a felony;

12 (v) Unlawful use of a weapon or illegal possession of a firearm;

13 (w) Bribery;

14 (x) The distribution or possession of child pornography; or

15 (y) Sexual exploitation.

16 "Racketeering activity" shall also mean any act or threat involving murder, kidnapping, human  
17 trafficking, gambling, arson, robbery, theft, receipt of stolen property, bribery, obstruction of justice,  
18 dealing in narcotic or dangerous drugs, or dealing in securities that is chargeable under the laws of  
19 the United States and is punishable by imprisonment for more than one year;

20 (4) "Real property", any estate or legal or equitable interest in land situated in this state or  
21 any interest in such real property including, but not limited to, any lease or deed of trust upon such  
22 real property.

23 3. A person commits the offense of racketeering if such person:

24 (1) Uses or invests any part of proceeds derived directly or indirectly from a pattern of  
25 racketeering activity or through the collection of an unlawful debt; in the acquisition of any title,  
26 right, interest, or equity in real property; or in the establishment or operation of any enterprise if the  
27 person received the proceeds with criminal intent;

28 (2) Acquires or maintains, directly or indirectly, any interest or control of any enterprise or  
29 real property through a pattern of racketeering activity or through the collection of an unlawful debt;

30 (3) Is employed by, or associated with, any enterprise to conduct or participate, directly or  
31 indirectly, in such enterprise through a pattern of racketeering activity or the collection of an  
32 unlawful debt; or

33 (4) Conspires or attempts to violate any provision under this subsection.

34 4. The offense of racketeering is a class A felony.

35 5. It shall be an affirmative defense to a prosecution for a violation under this section if,  
36 during the time of the alleged commission of the offense, the defendant is determined to be a victim  
37 of human trafficking, as defined under section 566.200. If it is determined that the person is a  
38 victim of human trafficking, the victim shall be notified of or referred to specialized services for

- 1 human trafficking victims to the extent that such services are available."; and
- 2
- 3 Further amend said bill by amending the title, enacting clause, and intersectional references
- 4 accordingly.