

Sec. 17-81. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appropriate* shall mean to take, obtain, use, transfer, conceal, retain or dispose.

*Coercion* shall mean

A. A threat, however communicated, to:

1. Commit any offense;
2. Inflict physical injury in the future on the person threatened or another;
3. Accuse any person of any offense;
4. Expose any person to hatred, contempt or ridicule;
5. Harm the credit or business reputation of any person;
6. Take or withhold action as a public servant, or cause a public servant to take or withhold action;
7. Inflict any other harm which would not benefit the actor.

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

*Credit device* shall mean a writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

*Customer* shall mean the person in whose name a utility service is provided.

*Debit device* shall mean a writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients.

*Deceit or deceive* shall mean making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind, or concealing a material fact as to the terms of a contract or agreement. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise.

*Deprive* shall mean to:

- A. Withhold property from the owner permanently;
- B. Restore property only upon payment of reward or other compensation;
- C. Use or dispose of property in a manner that makes recovery of the property by the owner unlikely.

*Divert* shall mean to change the intended course or path of electricity, water, gas, telephone, cable television or other utility service without the authorization or consent of the utility.

*Means of identification* shall mean anything used by a person as a means to uniquely distinguish himself or herself.

*Of another* shall refer to property or services of any person, including a church or school, other than the actor, who has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement.

*Property* shall mean anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument.

*Receiving* shall mean acquiring possession, control or title or lending on the security of the property.

*Reconnection* shall mean the commencement of utility service other than by the utility company, to a customer or other person after service has been discontinued by the utility.

*Services* shall mean and include transportation, telephone, electricity, gas, water, cable television services or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles.

*Tamper* shall mean to rearrange, damage, injure, destroy, alter, interfere with or otherwise prevent from performing normal or customary functions.

*Utility service* shall mean the provision of electricity, water, gas, telephone, cable television or other utility service.

(Code 1988, § 17-81)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

**State Law reference**— Similar definitions, RSMo 570.010.