

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1472

101ST GENERAL ASSEMBLY

3533H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 574.105, RSMo, and to enact in lieu thereof one new section relating to the offense of money laundering, with penalty provisions.

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

Section A. Section 574.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 574.105, to read as follows:

574.105. 1. As used in this section, the following terms mean:

- (1) "Conducts", initiating, concluding or participating in initiating or concluding a transaction;
- (2) "Criminal activity", any act or activity constituting an offense punishable as a felony pursuant to the laws of Missouri or the United States;
- (3) ~~["Currency", currency and coin of the United States;~~
- (4) ~~"Currency transaction", a transaction involving the physical transfer of currency from one person to another. A transaction which is a transfer of funds by means of bank check, bank draft, wire transfer or other written order, and which does not include the physical transfer of currency is not a currency transaction]~~ **"Cryptocurrency", a digital currency in which transactions are verified and records are maintained by a decentralized system using cryptography;**
- (4) **"Financial transaction", a transaction:**
  - (a) **Involving:**
    - a. **The movement of funds by wire or other means, including blockchain;**
    - b. **One or more monetary instruments; or**
    - c. **The transfer of title to any real property, vehicle, vessel, or aircraft; or**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **(b) Involving the use of a financial institution as defined under 31 U.S.C. Section**  
19 **5312, as amended;**

20           **(5) "Monetary instruments":**

21           **(a) Currency and coin of the United States or of any other country,**  
22 **cryptocurrency, travelers' checks, personal checks, bank checks, bank wires, or**  
23 **money orders; or**

24           **(b) Investment securities or negotiable instruments, in bearer form or otherwise**  
25 **in such form that title thereto passes upon delivery;**

26           ~~[(5)]~~ **(6) "Person", natural persons, partnerships, trusts, estates, associations,**  
27 **corporations and all entities cognizable as legal personalities;**

28           **(7) "Transaction", a purchase, sale, loan, pledge, gift, transfer, delivery, or other**  
29 **disposition, and with respect to a financial institution includes a deposit; withdrawal;**  
30 **transfer between accounts; exchange of currency; loan; extension of credit; purchase or**  
31 **sale of any stock, bond, certificate of deposit, or other monetary instrument; use of a**  
32 **safe deposit box; or any other payment, transfer, or delivery by, through, or to a**  
33 **financial institution, by whatever means effected.**

34           2. A person commits the offense of money laundering if he or she:

35           (1) Conducts or attempts to conduct a ~~[currency]~~ **financial** transaction with the  
36 purpose to promote or aid the carrying on of criminal activity; or

37           (2) Conducts or attempts to conduct a ~~[currency]~~ **financial** transaction with the  
38 purpose to conceal or disguise in whole or in part the nature, location, source, ownership or  
39 control of the proceeds of criminal activity; or

40           (3) Conducts or attempts to conduct a ~~[currency]~~ **financial** transaction with the  
41 purpose to avoid ~~[currency]~~ **financial** transaction reporting requirements under federal law; or

42           (4) Conducts or attempts to conduct a ~~[currency]~~ **financial** transaction with the  
43 purpose to promote or aid the carrying on of criminal activity for the purpose of furthering or  
44 making a terrorist threat or act.

45           3. The offense of money laundering is a class B felony and in addition to penalties  
46 otherwise provided by law, a fine of not more than five hundred thousand dollars or twice the  
47 amount involved in the transaction, whichever is greater, may be assessed.

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