

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1617
92ND GENERAL ASSEMBLY

Reported from the Committee on Judiciary March 18, 2004, with recommendation that the House Committee Substitute for House Bill No. 1617 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

4518L.02C

AN ACT

To amend chapter 409, RSMo, by adding thereto six new sections relating to obstruction of securities investigations, with penalty provisions.

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

Section A. Chapter 409, RSMo, is amended by adding thereto six new sections, to be
2 known as sections 409.108, 409.109, 409.111, 409.112, 409.113, and 409.114, to read as
3 follows:

**409.108. It is unlawful for any person, in any investigation or other proceeding
2 under this chapter, to alter, destroy, mutilate, conceal, make a false entry in, or by any
3 means falsify, remove from any place or withhold any record, document, or tangible,
4 electronic or physical evidence with the intent to impede, obstruct, avoid, evade, or
5 influence the official investigation or administration of any other proceeding under this
6 chapter.**

**409.109. A person who willfully violates section 409.108, shall upon conviction be
2 fined not more than five hundred thousand dollars or imprisoned not more than ten years,
3 or both. The attorney general or the proper prosecuting attorney with or without a
4 criminal reference from the commissioner, may institute criminal proceedings under this
5 section.**

**409.111. The commissioner of securities may conduct pursuant to the authorization
2 of section 409.6-602 such investigations as the commissioner considers necessary to
3 determine whether a person has violated, is violating, or is about to violate any provision
4 of sections 409.108 to 409.114 or any order, rule or regulation issued pursuant thereto.**

409.112. If the commissioner believes that a person has engaged, is engaging, or is

2 about to engage in an act, practice, or course of business constituting a violation of sections
3 409.108 to 409.114, or any order, rule or regulation issued pursuant thereto or that a
4 person has, is, or is about to engage in an act, practice, or course of business that materially
5 aids a violation of sections 409.108 to 409.114, the commissioner may maintain an action
6 for relief authorized pursuant to section 409.6-603.

409.113. If the commissioner determines that a person has engaged, is engaging, or
2 is about to engage in an act, practice, or course of business constituting a violation of
3 sections 409.108 to 409.114, or any order, rule or regulation issued pursuant thereto or that
4 a person has materially aided, is materially aiding, or is about to materially aid an act,
5 practice, or course of business constituting a violation of sections 409.108 to 409.114, or any
6 order, rule or regulation issued pursuant thereto, the commissioner may issue such orders
7 as authorized pursuant to section 409.6-604.

409.114. Sections 409.108 to 409.114 shall be administered by the commissioner of
2 securities. The commissioner of securities is hereby empowered to promulgate, alter,
3 amend or revoke rules and regulations pursuant to section 409.6-605 as necessary to carry
4 out the purposes of sections 409.108 to 409.114.