

SECOND REGULAR SESSION

HOUSE BILL NO. 784

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALTON (Sponsor), GREEN, JOHNSON (61), EL-AMIN,
BOYKINS, HOSKINS, HAYWOOD, FRASER, RIBACK WILSON (25),
JOHNSON (90) AND MYERS (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

2430L.011

AN ACT

To repeal section 575.120, RSMo, and to enact in lieu thereof one new section relating to false impersonation, with penalty provisions.

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

Section A. Section 575.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.120, to read as follows:

575.120. 1. A person commits the crime of false impersonation if [he] **such person:**

(1) Falsely represents himself **or herself** to be a public servant with purpose to induce another to submit to his **or her** pretended official authority or to rely upon his **or her** pretended official acts, and

(a) Performs an act in that pretended capacity; or

(b) Causes another to act in reliance upon his **or her** pretended official authority; [or]

(2) Falsely represents himself **or herself** to be a person licensed to practice or engage in any profession for which a license is required by the laws of this state with purpose to induce another to rely upon such representation, and

(a) Performs an act in that pretended capacity; or

(b) Causes another to act in reliance upon such representation; **or**

(3) **Upon being arrested, falsely represents himself or herself, to a law enforcement officer, with the first and last name, date of birth, and Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction,**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

16 misdemeanor, or felony that contains the first and last name, date of birth, and Social
17 Security number, or a substantial number of identifying factors or characteristics to that
18 of such other person as to cause such other person to be identified as the actual person
19 arrested or convicted.

20 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior
21 to any conviction of the person actually arrested for an underlying charge, then the
22 prosecuting attorney, bringing any action on the underlying charge, shall notify the court
23 thereof, and the court shall order the false identifying factors ascribed to the person
24 actually arrested as are contained in the arrest and court records amended to correctly and
25 accurately identify the defendant and shall expunge the incorrect and inaccurate
26 identifying factors from the arrest and court records.

27 3. If a violation of subdivision (3) of subsection 1 of this section is discovered after
28 any conviction of the person actually arrested for an underlying charge, then the
29 prosecuting attorney of the county in which the conviction occurred shall file a motion in
30 the underlying case with the court to correct the arrest and court records after discovery
31 of the fraud upon the court. The court shall order the false identifying factors ascribed to
32 the person actually arrested as are contained in the arrest and court records amended to
33 correctly and accurately identify the defendant and shall expunge the incorrect and
34 inaccurate identifying factors from the arrest and court records.

35 4. Any person who is the victim of a false impersonation and whose identity has
36 been falsely reported in arrest or conviction records may move for expungement and
37 correction of said records under the procedures set forth in section 610.122, RSMo. Upon
38 a showing that a substantial number of identifying factors of the victim was falsely
39 ascribed to the person actually arrested or convicted, the court shall order the false
40 identifying factors ascribed to the person actually arrested as are contained in the arrest
41 and court records amended to correctly and accurately identify the defendant and shall
42 expunge the incorrect and inaccurate factors from the arrest and court records.

43 5. False impersonation is a class B misdemeanor unless the person represents himself
44 to be a law enforcement officer in which case false impersonation is a class A misdemeanor.