

SECOND REGULAR SESSION

# HOUSE BILL NO. 1039

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ROBB (Sponsor), DAY, WILSON (119),  
SUTHERLAND AND BROWN (30) (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3234L.01I

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### AN ACT

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

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Section A. Section 575.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.120, to read as follows: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

(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, or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing

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.

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

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

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

33       4. Any person who is the victim of a false impersonation and whose identity has been  
34 falsely reported in arrest or conviction records may move for expungement and correction of said  
35 records under the procedures set forth in section 610.123, RSMo. Upon a showing that a  
36 substantial number of identifying factors of the victim was falsely ascribed to the person actually  
37 arrested or convicted, the court shall order the false identifying factors ascribed to the person  
38 actually arrested as are contained in the arrest and court records amended to correctly and  
39 accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the  
40 arrest and court records.

41       5. False impersonation is a class B misdemeanor unless the person represents himself  
42 to be a law enforcement officer in which case false impersonation is a class [A misdemeanor]  
43 **D felony.**

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