

SECOND REGULAR SESSION

HOUSE BILL NO. 1493

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRUNS.

Pre-filed December 20, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3962L.01I

AN ACT

To repeal section 575.060, RSMo, and to enact in lieu thereof one new section relating to making a false declaration, with a penalty provision.

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

Section A. Section 575.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.060, to read as follows:

575.060. 1. A person commits the crime of making a false declaration if, with the purpose to mislead a public servant in the performance of his **or her** duty, **[he] such person:**

(1) Submits any written false statement, which he **or she** does not believe to be true

(a) In an application for any pecuniary benefit or other consideration; or

(b) On a form bearing notice, authorized by law, that false statements made therein are punishable; or

(2) Submits or invites reliance on:

(a) Any writing which he **or she** knows to be forged, altered or otherwise lacking in authenticity; or

(b) Any sample, specimen, map, boundary mark, or other object which he **or she** knows to be false; **or**

(3) Provides any verbal false statement regarding their identity, which he or she believes or knows not to be true.

2. The falsity of the statement or the item under subsection 1 of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted;

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.

16 and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under
17 subsection 1 of this section.

18 3. It is a defense to a prosecution under subsection 1 of this section that the actor
19 retracted the false statement or item but this defense shall not apply if the retraction was made
20 after:

21 (1) The falsity of the statement or item was exposed; or

22 (2) The public servant took substantial action in reliance on the statement or item.

23 4. The defendant shall have the burden of injecting the issue of retraction under
24 subsection 3 of this section.

25 5. For the purpose of this section, "written" shall include filings submitted in an
26 electronic or other format or medium approved or prescribed by the secretary of state.

27 6. Making a false declaration is a class B misdemeanor.

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