

SECOND REGULAR SESSION

HOUSE BILL NO. 2037

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRINGER.

4947L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 575.070, RSMo, and to enact in lieu thereof two new sections relating to obstruction of justice, with penalty provisions.

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

Section A. Section 575.070, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 575.065 and 575.070, to read as follows:

575.065. 1. A person commits the crime of obstruction of justice if such person, with the intent to prevent the apprehension or obstruct the prosecution or defense of any person, knowingly commits any of the following acts:

(1) Destroys, alters, conceals, or disguises physical evidence, plants false evidence, furnishes false information; or

(2) Induces a witness having knowledge material to the subject at issue to leave the state or conceal himself or herself; or

(3) Possessing knowledge material to the subject at issue he or she leaves the state or conceals himself or herself.

2. Obstruction of justice is a class A misdemeanor unless the actor obstructs prosecution or defense of a felony in which case it is a class D felony.

575.070. No person shall be convicted of a violation of sections 575.040, 575.050 [or] , 575.060, **or 575.065** based upon the making of a false statement except upon proof of the falsity of the statement by:

(1) The direct evidence of two witnesses; or

(2) The direct evidence of one witness together with strongly corroborating circumstances; 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.

- 7 (3) Demonstrative evidence which conclusively proves the falsity of the statement; or
- 8 (4) A directly contradictory statement by the defendant under oath together with
- 9 (a) The direct evidence of one witness; or
- 10 (b) Strongly corroborating circumstances; or
- 11 (5) A judicial admission by the defendant that he **or she** made the statement knowing
- 12 it was false. An admission, which is not a judicial admission, by the defendant that he **or she**
- 13 made the statement knowing it was false may constitute strongly corroborating circumstances.

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