

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 631,
Page 23, Section 575.010, Line 39, by inserting after all of said section and line, the following:

“575.045. 1. A person commits the crime of false identification to a law enforcement officer if such person falsely represents or identifies himself or herself as another person or as a fictitious person to a law enforcement officer upon a lawful stop or a lawful detention, or an arrest of the person, either for the purpose of evading the process of the court, or for the purpose of evading the proper identification of the person by the law enforcement officer if:

(1) The false information is given while the law enforcement officer is engaged in the performance of his or her duties as a law enforcement officer; and

(2) The person providing the false information knows or should have known that the person receiving the information is a law enforcement officer.

2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. False identification to a law enforcement officer is a class B misdemeanor.

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

1 be false; or

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

4 2. The falsity of the statement or the item under subsection 1 of this section must be as to
5 a fact which is material to the purposes for which the statement is made or the item submitted; and
6 the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under
7 subsection 1 of this section.

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

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

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

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

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

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

17 575.070. No person shall be convicted of a violation of sections 575.040, 575.045,
18 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity of
19 the statement by:

20 (1) The direct evidence of two witnesses; or

21 (2) The direct evidence of one witness together with strongly corroborating
22 circumstances; or

23 (3) Demonstrative evidence which conclusively proves the falsity of the statement; or

24 (4) A directly contradictory statement by the defendant under oath together with

25 (a) The direct evidence of one witness; or

26 (b) Strongly corroborating circumstances; or

27 (5) A judicial admission by the defendant that he made the statement knowing it was
28 false. An admission, which is not a judicial admission, by the defendant that he made the
29 statement knowing it was false may constitute strongly corroborating circumstances.”; and
30

31 Further amend said bill by amending the title, enacting clause, and intersectional references
32 accordingly.