

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page
2 7, Section 559.106, Line 29, by inserting after all of said section and line the following:

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4 "575.120. 1. A person commits the offense of false impersonation if such person:

5 (1) Falsely represents himself or herself to be a public servant with the purpose to induce
6 another to submit to his or her pretended official authority or to rely upon his or her pretended
7 official acts; and

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

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

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

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

14 (b) Causes another to act in reliance upon such representation; [or]

15 (3) Upon being arrested, falsely represents himself or herself, to a law enforcement officer,
16 with the first and last name, date of birth, or Social Security number, or a substantial number of
17 identifying factors or characteristics as that of another person that results in the filing of a report or
18 record of arrest or conviction for an infraction or offense that contains the first and last name, date
19 of birth, and Social Security number, or a substantial number of identifying factors or characteristics
20 to that of such other person as to cause such other person to be identified as the actual person
21 arrested or convicted; or

22 (4) Upon being lawfully detained, falsely represents himself or herself, to a law enforcement
23 officer, with the first and last name, date of birth, or Social Security number, or a substantial number
24 of identifying factors or characteristics as that of another person.

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

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

Action Taken _____ Date _____

1 expunge the incorrect and inaccurate identifying factors from the arrest and court records.

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

9 5. The offense of false impersonation is a class B misdemeanor unless the person represents
10 himself or herself to be a law enforcement officer in which case it is a class A misdemeanor."; and

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