

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 834, Page 18, Section 559.115, Line 77, by inserting after all of said section and line
3 the following:
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5 "575.080. 1. A person commits the offense of making a false report if he or she knowingly:

6 (1) Gives false information to any person for the purpose of implicating another person in an
7 offense; or

8 (2) Makes a false report to a law enforcement officer that an offense has occurred or is about
9 to occur; or

10 (3) Makes a false report or causes a false report to be made to a law enforcement officer,
11 security officer, fire department or other organization, official or volunteer, ~~[which deals with~~
12 ~~emergencies involving danger to life or property that a fire or other incident calling for an~~
13 ~~emergency response has occurred or is about to occur]~~ with reckless disregard of causing bodily
14 harm to any person as a direct result of an emergency response.

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

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

20 4. The offense of making a false report is a class B misdemeanor.

21 5. The offense of making a false report is a class E felony if the report is a false report of a
22 felony offense as outlined in subdivision (3) of subsection 1 of this section.

23 6. The offense of making a false report is a class B felony if the false report results in death
24 or serious physical injury as a proximate result of lawful conduct arising out of that response.

25 7. Any person convicted of a violation pursuant to this section may be liable for the
26 reasonable costs of any emergency response resulting from the false report.

27 8. A violation of this section may be prosecuted in any jurisdiction where the defendant
28 made the false report, the county where the false report was communicated to law enforcement, or
29 the county where law enforcement responded to the false report.

30 9. (1) In such cases when a child, as defined under section 211.021, violates this section,

Action Taken _____ Date _____

1 such child is guilty of a status offense for the first offense. Such child must appear before a juvenile
2 court in the jurisdiction where he or she made the false report, the county where the false report was
3 communicated to law enforcement, or the county where law enforcement responded to the false
4 report. In lieu of appearing in court, the child may complete thirty hours of community service
5 work or pay a fine not to exceed two hundred fifty dollars.

6 (2) For a second or subsequent violation of this section, a child, as defined under section
7 211.021, shall be guilty of a class C misdemeanor.

8 10. Nothing in this section shall be construed to impose liability on a person who contacts
9 law enforcement for the purpose of, or in connection to, the reporting of unlawful conduct or
10 conflict with the Communication Decency Act, 47 U.S.C. Section 230, or the Civil Rights Act, 42
11 U.S.C. Section 1983.

12 11. A person who is a victim of an offense under this section may bring a civil action against
13 the person who committed the offense of making a false report and may recover damages or any
14 other equitable relief, including reasonable attorney's fees.

15 12. Any person who is found liable under this section shall be jointly and severally liable
16 with any other person, if any, who is found liable under this section for damages arising from the
17 same violation of this section.

18 13. Any person who makes a false report in violation of this section for the purpose of:

19 (1) Infringing on another person's rights under the Missouri or United States Constitution;

20 (2) Unlawfully discriminating against another person;

21 (3) Causing another person to be expelled from a place in which such person is lawfully
22 located; or

23 (4) Damaging another person's:

24 (a) Reputation or standing within the community; or

25 (b) Financial, economic, consumer, or business prospects or interests

26
27 may be required to pay punitive damages to the victim in addition to any other damages allowed
28 under subsection 11 of this section.

29 14. As used in this section, "emergency" shall mean any condition that results in, or is likely
30 to result in, the response of a public official in an authorized emergency vehicle, aircraft, or vessel
31 or that jeopardizes or is likely to jeopardize public safety and results in, or is likely to result in, the
32 evacuation of any area, building, structure, vehicle, or of any other place that any individual may
33 enter."; and

34
35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.