

FIRST REGULAR SESSION

# HOUSE BILL NO. 302

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROBERTS.

0683H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 575.080, RSMo, and to enact in lieu thereof one new section relating to the offense of making a false report, with penalty provisions.

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

Section A. Section 575.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.080, to read as follows:

575.080. 1. A person commits the offense of making a false report if he or she knowingly:

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

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

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

2. It is a defense to a prosecution under subsection 1 of this section that the person 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. The offense of making a false report is a class B misdemeanor.

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.

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

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

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

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

28           **9. (1) In such cases when a child, as defined under section 211.021, violates this**  
29 **section, such child is guilty of a status offense for the first offense. Such child must**  
30 **appear before a juvenile court in the jurisdiction where he or she made the false report,**  
31 **the county where the false report was communicated to law enforcement, or the county**  
32 **where law enforcement responded to the false report. In lieu of appearing in court, the**  
33 **child may complete thirty hours of community service work or pay a fine not to exceed**  
34 **two hundred fifty dollars.**

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

37           **10. Nothing in this section shall be construed to impose liability on a person who**  
38 **contacts law enforcement for the purpose of, or in connection to, the reporting of**  
39 **unlawful conduct or conflict with the Communication Decency Act, 47 U.S.C. Section**  
40 **230, or the Civil Rights Act, 42 U.S.C. Section 1983.**

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

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

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

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

51           **(2) Unlawfully discriminating against another person;**

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

54           **(4) Damaging another person's:**

55           **(a) Reputation or standing within the community; or**

56           **(b) Financial, economic, consumer, or business prospects or interests**

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58 **may be required to pay punitive damages to the victim in addition to any other damages**  
59 **allowed under subsection 11 of this section.**

60           **14. As used in this section, "emergency" shall mean any condition that results in,**  
61 **or is likely to result in, the response of a public official in an authorized emergency**  
62 **vehicle, aircraft, or vessel or that jeopardizes or is likely to jeopardize public safety and**  
63 **results in, or is likely to result in, the evacuation of any area, building, structure, vehicle,**  
64 **or of any other place that any individual may enter.**

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