

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 2830, Page 1, Section A, Line 2, by inserting after said section and line  
2 the following:

3  
4 "59.120. 1. The recorder shall keep [his] the recorder's office at the seat of justice, and  
5 the county commission shall provide the same with suitable books, in which the recorder shall  
6 record all instruments of writing authorized and required to be recorded. If there is no  
7 courthouse or other suitable county building at the seat of justice, the county commission shall  
8 provide an office for the recorder at any other place in the county where there is a courthouse  
9 and courts of record are held.

10 2. Each recorder shall display in the recorder's office in a place visible to the public a printed  
11 sign with the following text in all capital letters of at least one inch in height: "WARNING:  
12 THE OFFENSE OF FILING FALSE DOCUMENTS IS A FELONY UNDER MISSOURI LAW  
13 (RSMO 570.095) WITH PENALTIES THAT MAY INCLUDE JAIL OR PRISON TIME AND  
14 FINANCIAL RESTITUTION.".;"; and

15  
16 Further amend said bill, Page 2, Section 59.319, Line 40, by inserting after said section and line  
17 the following:

18  
19 "486.735. 1. A vendor or manufacturer shall register with the secretary prior to selling  
20 or manufacturing notary seals. The secretary shall maintain an internet site for the purpose of  
21 allowing vendors and manufacturers to confirm the current standing of any notary in the state.

22 2. A vendor or manufacturer shall not provide a notary seal to a purchaser claiming to be  
23 a notary, unless the purchaser presents a notary commission issued by the secretary, and unless:

24 (1) In the case of a purchaser appearing in person, the vendor or manufacturer identifies  
25 this individual as the person named in the commission, through either personal knowledge or  
26 satisfactory evidence of identity; or

27 (2) In the case of a purchaser ordering a seal by mail or delivery service, the vendor or  
28 manufacturer confirms the notary's standing as a commissioned notary through the internet site.

29 3. For each commission, a vendor or manufacturer shall make or sell only one seal and,  
30 if requested by the person presenting the commission, only one embossing seal.

31 4. After manufacturing or providing a notary seal, the vendor shall affix an image of all  
32 seals on a form as prescribed by the secretary and, within seven business days, send the

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1 completed form to the secretary, retaining a copy of the form and the commission for a period of  
2 five years.

3 5. A notary obtaining a seal as a result of a name change shall present a copy of the  
4 confirmation of notary's name or address change from the secretary in accordance with sections  
5 486.780 and 486.785.

6 6. A vendor or manufacturer who fails to comply with this section shall be subject to a  
7 fine of [~~one~~] ten thousand dollars for each violation. For multiple violations, a vendor's  
8 permission to sell or manufacture notary seals may be withdrawn by the secretary. Such  
9 violation shall not preclude the civil liability of the vendor to parties injured by the vendor's  
10 failure to comply with this section.

11 570.095. 1. A person commits the offense of filing false documents if:

12 (1) With the intent to defraud, deceive, harass, alarm, or negatively impact financially, or  
13 in such a manner reasonably calculated to deceive, defraud, harass, alarm, or negatively impact  
14 financially, he or she files, causes to be filed or recorded, or attempts to file or record, creates,  
15 uses as genuine, transfers or has transferred, presents, or prepares with knowledge or belief that  
16 it will be filed, presented, recorded, or transferred to the secretary of state or the secretary's  
17 designee, to the recorder of deeds of any county or city not within a county or the recorder's  
18 designee, to any municipal, county, district, or state government entity, division, agency, or  
19 office, or to any credit bureau or financial institution any of the following types of documents:

20 (a) Common law lien;

21 (b) Uniform commercial code filing or record;

22 (c) Real property recording;

23 (d) Financing statement;

24 (e) Contract;

25 (f) Warranty, special, or quitclaim deed;

26 (g) Quiet title claim or action;

27 (h) Deed in lieu of foreclosure;

28 (i) Legal affidavit;

29 (j) Legal process;

30 (k) Legal summons;

31 (l) Bills and due bills;

32 (m) Criminal charging documents or materially false criminal charging documents;

33 (n) Any other document not stated in this subdivision that is related to real property; or

34 (o) Any state, county, district, federal, municipal, credit bureau, or financial institution  
35 form or document; and

36 (2) Such document listed under subdivision (1) of this subsection contains materially  
37 false information; is fraudulent; is a forgery, as [~~defined~~] described under section 570.090; lacks

1 the consent of all parties listed in a document that requires mutual consent; or is invalid under  
2 Missouri law.

3 2. Filing false documents under this section is a class [D] C felony for the first offense  
4 except the following circumstances shall be a class [E] B felony:

5 (1) The defendant has been previously found guilty or pleaded guilty to a violation of  
6 this section;

7 (2) The victim or named party in the matter:

8 (a) Is an official elected to municipal, county, district, federal, or statewide office;

9 (b) Is an official appointed to municipal, county, district, federal, or statewide office; or

10 (c) Is an employee of an official elected or appointed to municipal, county, district,  
11 federal, or statewide office;

12 (3) The victim or named party in the matter is a judge or magistrate of:

13 (a) Any court or division of the court in this or any other state or an employee thereof; or

14 (b) Any court system of the United States or is an employee thereof;

15 (4) The victim or named party in the matter is a full-time, part-time, or reserve or  
16 auxiliary peace officer, as defined under section 590.010, who is licensed in this state or any  
17 other state;

18 (5) The victim or named party in the matter is a full-time, part-time, or volunteer  
19 firefighter in this state or any other state;

20 (6) The victim or named party in the matter is an officer of federal job class 1811 who is  
21 empowered to enforce United States laws;

22 (7) The victim or named party in the matter is a law enforcement officer of the United  
23 States as defined under 5 U.S.C. Section 8401(17)(A) or (D);

24 (8) The victim or named party in the matter is an employee of any law enforcement or  
25 legal prosecution agency in this state, any other state, or the United States;

26 (9) The victim or named party in the matter is an employee of a federal agency that has  
27 agents or officers of job class 1811 who are empowered to enforce United States laws or is an  
28 employee of a federal agency that has law enforcement officers as defined under 5 U.S.C.  
29 Section 8401(17)(A) or (D); or

30 (10) The victim or named party in the matter is an officer of the railroad police as  
31 ~~defined~~ authorized under section 388.600.

32 3. For a penalty enhancement as described under subsection 2 of this section to apply,  
33 the occupation of the victim or named party shall be material to the subject matter of the  
34 document or documents filed or the relief sought by the document or documents filed, and the  
35 occupation of the victim or named party shall be materially connected to the apparent reason that  
36 the victim has been named, victimized, or involved. For purposes of subsection 2 of this section  
37 and this subsection, a person who has retired or resigned from any agency, institution, or  
38 occupation listed under subsection 2 of this section shall be considered the same as a person who

1 remains in employment and shall also include the following family members of a person listed  
2 under subdivisions (2) to (9) of subsection 2 of this section:

3 (1) Such person's spouse;

4 (2) Such person or such person's spouse's ancestor or descendant by blood or adoption;

5 or

6 (3) Such person's stepchild while the marriage creating that relationship exists.

7 4. Any person who pleads guilty or is found guilty under subsections 1 to 3 of this  
8 section shall be ordered by the court to make full restitution to any person or entity that has  
9 sustained actual losses or costs as a result of the actions of the defendants. Such restitution shall  
10 not be paid in lieu of jail or prison time but rather in addition to any jail or prison time imposed  
11 by the court.

12 5. (1) Nothing in this section shall limit the power of the state to investigate, charge, or  
13 punish any person for any conduct that constitutes a crime by any other statute of this state or the  
14 United States.

15 (2) No receiving entity shall be required under this section to retain the filing or record  
16 for prosecution under this section. A filing or record being rejected by the receiving entity shall  
17 not be used as an affirmative defense.

18 6. (1) Any agency of the state, a county, or a city not within a county that is responsible  
19 for or receives document filings or records, including county recorders of deeds and the secretary  
20 of state's office, shall, by January 1, 2019, impose a system in which the documents that have  
21 been submitted to the receiving agency, or those filings rejected by the secretary of state under  
22 its legal authority, are logged or noted in a ledger, spreadsheet, or similar recording method if the  
23 filing or recording officer or employee believes the filings or records appear to be fraudulent or  
24 contain suspicious language. The receiving agency shall make noted documents available for  
25 review by:

26 (a) The jurisdictional prosecuting or circuit attorney or such attorney's designee;

27 (b) The county sheriff or the sheriff's designee;

28 (c) The police chief of a county or city not within a county or such chief's designee; or

29 (d) A commissioned peace officer as defined under section 590.010.

30  
31 Review of such documents is permissible for the agent or agencies under this subdivision  
32 without the need of a grand jury subpoena or court order. No fees or monetary charges shall be  
33 levied on the investigative agents or agencies for review of documents noted in the ledger or  
34 spreadsheet. The ledger or spreadsheet and its contents shall be retained by the agency that  
35 controls entries into such ledger or spreadsheet for a minimum of three years from the earliest  
36 entry listed in the ledger or spreadsheet.

1 (2) The receiving entity shall, upon receipt of a filing or record that has been noted as a  
2 suspicious filing or record, notify the chief law enforcement officer or such officer's designee of  
3 the county and the prosecutor or the prosecutor's designee of the county of the filing's or record's  
4 existence. Such notification shall be made within two business days of the filing or record  
5 having been received. Notification may be accomplished via email or via paper memorandum.

6 (3) No agency receiving the filing or record shall be required under this section to notify  
7 the person conducting the filing or record that the filing or record is entered as a logged or noted  
8 filing or record.

9 (4) Reviews to ensure compliance with the provisions of this section shall be the  
10 responsibility of any commissioned peace officer. Findings of noncompliance shall be reported  
11 to the jurisdictional prosecuting or circuit attorney or such attorney's designee by any  
12 commissioned peace officer who has probable cause to believe that the noncompliance has taken  
13 place purposely, knowingly, recklessly, or with criminal negligence, as described under section  
14 562.016.

15 7. To petition for a judicial review of a filing or record that is believed to be fraudulent,  
16 false, misleading, forged, or contains materially false information, a petitioner may file a  
17 probable cause statement that delineates the basis for the belief that the filing or record is  
18 materially false, contains materially false information, is a forgery, is fraudulent, or is  
19 misleading. This probable cause statement shall be filed in the associate or circuit court of the  
20 county in which the original filing or record was transferred, received, or recorded.

21 8. A filed petition under this section shall have an initial hearing date within twenty  
22 business days of the date the petition is filed with the court. A court ruling of invalid shall be  
23 evidence that the original filing or record was not accurate, true, or correct. A court ruling of  
24 invalid shall be retained or recorded at the original receiving entity. The receiving entity shall  
25 waive all filing or recording fees associated with the filing or recording of the court ruling  
26 document in this subsection. Such ruling may be forwarded to credit bureaus or other  
27 institutions at the request of the petitioner via motion to the applicable court at no additional cost  
28 to the petitioner.

29 9. If a filing or record is deemed invalid, court costs and fees are the responsibility of the  
30 party who originally initiated the filing or record. If the filing or record is deemed valid, no  
31 court costs or fees, in addition to standard filing fees, shall be assessed.

32 10. (1) An owner of an interest in real property that has been subject to a filing or record  
33 that is believed to be fraudulent, false, misleading, or forged or that contains materially false  
34 information may petition for a judicial review under subsections 7, 8, and 9 of this section.

35 (2) A county recorder of deeds may post information on such petition process in the  
36 recorder's office and online.

37 578.700. 1. For purposes of this section, all definitions from section 486.600 shall apply.

38 2. In performing a notarial act, a notary shall be guilty of:

1           (1) A class E felony for executing a false notarial certificate under subsection 1 of  
 2 section 486.660; or

3           (2) A misdemeanor, punishable upon conviction by a fine not exceeding five hundred  
 4 dollars or imprisonment for not more than six months, or both, for knowingly:

5           ~~[(1)]~~ (a) Failing to require the presence of a principal at the time of a notarial act; or

6           ~~[(2)]~~ (b) Failing to identify a principal through personal knowledge or satisfactory  
 7 evidence~~]; or~~

8           ~~(3) Executing a false notarial certificate under subsection 1 of section 486.660].~~

9           3. A notary who knowingly performs any other act prohibited by chapter 486 or fails to  
 10 perform any other act required by chapter 486 shall be guilty of a misdemeanor, punishable upon  
 11 conviction by a fine not exceeding five hundred dollars or imprisonment for not more than six  
 12 months, or both.

13           4. Any person who is not a notary and who knowingly acts as or otherwise impersonates  
 14 a notary shall be guilty of a ~~[misdemeanor, punishable upon conviction by a fine not exceeding~~  
 15 ~~five hundred dollars or imprisonment for not more than six months, or both]~~ class E felony.

16           5. Any person who knowingly obtains, conceals, defaces, or destroys the seal, journal, or  
 17 official records of a notary shall be guilty of a ~~[misdemeanor, punishable upon conviction by a~~  
 18 ~~fine not exceeding five hundred dollars]~~ class E felony.

19           6. Any person who knowingly solicits, coerces, or in any way influences a notary to  
 20 commit official misconduct shall be guilty of a ~~[misdemeanor, punishable upon conviction by a~~  
 21 ~~fine not exceeding five hundred dollars]~~ class E felony.

22           7. Any person who knowingly obtains, conceals, damages, or destroys the coding, disk,  
 23 certificate, card, token, program, software, or hardware that is intended exclusively to enable an  
 24 electronic notary public to produce a registered electronic signature, notary seal, or single  
 25 element combining the required features of an electronic signature and notary seal, shall be  
 26 guilty of a ~~[misdemeanor, punishable upon conviction by a fine not exceeding five hundred~~  
 27 ~~dollars or imprisonment for not more than six months, or both]~~ class E felony.

28           8. Any person who is not a notary and knowingly presents false information to obtain or  
 29 attempt to obtain a notary public's seal from a manufacturer under chapter 486 shall be guilty of  
 30 a class E felony.

31           9. The penalties of this section shall not preclude other sanctions and remedies provided  
 32 by law."; and

33  
 34 Further amend said bill by amending the title, enacting clause, and intersectional references  
 35 accordingly.