

SECOND REGULAR SESSION

# HOUSE BILL NO. 1638

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLEY.

4880H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 575.060 and 575.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, 575.060 as enacted by senate bill no. 895, ninety-first general assembly, second regular session, and section 575.070 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, and to enact in lieu thereof three new sections relating to making a false declaration, with penalty provisions.

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

Section A. Sections 575.060 and 575.070 as enacted by senate bill no. 491, ninety-  
2 seventh general assembly, second regular session, 575.060 as enacted by senate bill no. 895,  
3 ninety-first general assembly, second regular session, and section 575.070 as enacted by senate  
4 bill no. 60, seventy-ninth general assembly, first regular session, are repealed and three new  
5 sections enacted in lieu thereof, to be known as sections 575.045, 575.060, and 575.070, to read  
6 as follows:

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

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

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

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

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

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

575.060. 1. A person commits the offense of making a false declaration if, with the  
2 purpose to mislead a public servant in the performance of his or her duty, such person:

3           (1) Submits any written false statement, which he or she does not believe to be true:

4           (a) In an application for any pecuniary benefit or other consideration; or

5           (b) On a form bearing notice, authorized by law, that false statements made therein are  
6 punishable; [or]

7           (2) Submits or invites reliance on:

8           (a) Any writing which he or she knows to be forged, altered or otherwise lacking in  
9 authenticity; or

10           (b) Any sample, specimen, map, boundary mark, or other object which he or she knows  
11 to be false; **or**

12           **(3) Provides any verbal false statement regarding his or her identity, which he or**  
13 **she believes or knows not to be true.**

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

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

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

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

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

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

27           6. The offense of making a false declaration is a class B misdemeanor.

575.060. 1. A person commits the crime of making a false declaration if, with the  
2 purpose to mislead a public servant in the performance of his **or her** duty, [he] **such person**:

3           (1) Submits any written false statement, which he does not believe to be true

4 (a) In an application for any pecuniary benefit or other consideration; or  
5 (b) On a form bearing notice, authorized by law, that false statements made therein are  
6 punishable; [or]

7 (2) Submits or invites reliance on

8 (a) Any writing which he **or she** knows to be forged, altered or otherwise lacking in  
9 authenticity; or

10 (b) Any sample, specimen, map, boundary mark, or other object which he knows to be  
11 false; **or**

12 **(3) Provides any oral false statement regarding his or her identity, which he or she**  
13 **believes or knows not to be true.**

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

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

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

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

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

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

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

575.070. No person shall be convicted of a violation of section 575.040, **575.045**,  
2 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity  
3 of the statement by:

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

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

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

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

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

10 (b) Strongly corroborating circumstances; or

11 (5) A judicial admission by the defendant that he or she made the statement knowing it  
12 was false. An admission, which is not a judicial admission, by the defendant that he or she made  
13 the statement knowing it was false may constitute strongly corroborating circumstances.

575.070. No person shall be convicted of a violation of sections 575.040, **575.045**,  
2 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity  
3 of the statement by:

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

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

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

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

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

10 (b) Strongly corroborating circumstances; or

11 (5) A judicial admission by the defendant that he made the statement knowing it was  
12 false. An admission, which is not a judicial admission, by the defendant that he made the  
13 statement knowing it was false may constitute strongly corroborating circumstances.

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