

COMMITTEE OF ORIGIN: Standing Committee on Civil and Criminal Proceedings

This bill creates the offense of filing a false document if he or she files, causes to be filed, or attempts to file, creates, uses as genuine, transfers or has transferred, presents, or prepares with knowledge or belief that it will be filed, presented, or transferred to the Secretary of State or his or her designee, any county recorder of deeds or his or her designee, any municipal, county, district, or state government entity or office, or any credit bureau or financial institution specified documents. For the first offense, filing a false document is a class D felony until December 31, 2016, and a class E felony beginning January 1, 2017. Filing false documents is a class C felony in certain specified instances.

The bill specifies that a system must be created in which suspicious filings are logged, and outlines the process for petitioning the court when a person has probable cause to believe a filing is fraudulent.

The bill specifies that the Secretary of State must maintain a database that includes information contained on each notary public's seal or any lost seal of a notary public. A manufacturer of a notary public seal is required to register with the Secretary of State and notify the Secretary of State when a seal is issued. The Secretary of State must approve any seal issued by the manufacturer within 10 days. A copy of the commission must be maintained by the manufacturer and if a manufacturer violates this provision, they are subject to a \$1,000 fine for each violation.

The bill increases the penalty for acting as, or willfully impersonating a notary public while not lawfully appointed and commissioned to perform notarial acts from a misdemeanor to a class D felony.

Any notary public who loses or misplaces their journal of notarial acts or official seal must immediately provide written notice of the fact to the Secretary of State. For a lost or misplaced official seal, upon receipt of the written notice, the Secretary of State is required to issue the notary a new commission number for the notary to order a new seal. The Secretary of State may post notice on the Secretary of State's website notifying the general public that the lost or misplaced notary seal and commission number of that notary is invalid and is not an acceptable notary commission number.

If a notary public's official seal is destroyed, broken, damaged, or otherwise rendered inoperable, the notary must immediately provide written notice of that fact to the Secretary of State. Upon receipt of the written notice, the Secretary of State is required to issue the notary a new commission number for the notary to order a new seal. The Secretary of State may post notice on the Secretary of State's website notifying the general public that the destroyed, broken, damaged, or otherwise inoperable notary seal and commission number of that notary is invalid and is not an acceptable notary commission number.

If any notary public no longer desires to be a notary public, he or she must mail or deliver to the Secretary of State a letter of resignation and their notary seal, and their commission will cease to be in effect. The Secretary of State may post notice on the Secretary of State's website notifying the general public that the notary is no longer a commissioned notary public in the state of Missouri.