

HB 1769 -- FILING FALSE DOCUMENTS

SPONSOR: Mathews

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 10 to 3. Voted "Do Pass" by the Rules-Legislative Oversight Committee by a vote of 11 to 1.

This bill creates the offense of filing a false document, which is committed if, with intent to defraud, deceive, harass, alarm, or negatively impact financially, a person 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. Filing false documents is a class C felony in certain specified instances. Any person who is found guilty of committing such offense will be ordered to make full restitution to any person or entity that has sustained any actual losses as a result of the commission of such offense.

The bill specifies that a system must be created, by January 1, 2019, 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.

This bill is similar to HCS HB 303 (2017).

PROPOSERS: Supporters say that the acts described in this bill are not currently criminal offenses but they can have serious, long term consequences for the victims. Other states and the federal government have already acknowledged the serious nature of these actions, that essentially amount to paper terrorism, and have enacted similar laws. The heightened penalties for actions taken against elected officials, law enforcement officers, and other specified individuals are necessary because these individuals are being targeted as retaliation for performing their professional responsibilities.

Testifying for the bill were Representative Mathews; Missouri Fraternal Order of Police; St. Louis Police Officers Association; Kansas City Fraternal Order of Police; Heartland Credit Union Association; Missouri Bankers Association; Missouri Police Chiefs Association; Andrew Soll, St. Louis County Police; Missouri Troopers Association; and the Records Association of Missouri.

OPPONENTS: There was no opposition voiced to the committee.