

SECOND REGULAR SESSION

HOUSE BILL NO. 1297

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

3424H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 575.120, RSMo, and to enact in lieu thereof one new section relating to the offense of false impersonation, with penalty provisions.

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

Section A. Section 575.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.120, to read as follows:

575.120. 1. A person commits the offense of false impersonation if such person:

(1) Falsely represents himself or herself to be a public servant with the purpose to induce another to submit to his or her pretended official authority or to rely upon his or her pretended official acts; and

(a) Performs an act in that pretended capacity; or

(b) Causes another to act in reliance upon his or her pretended official authority;

(2) Falsely represents himself or herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this state with purpose to induce another to rely upon such representation; and

(a) Performs an act in that pretended capacity; or

(b) Causes another to act in reliance upon such representation; ~~[or]~~

(3) Upon being arrested, falsely represents himself or herself, to a law enforcement officer, with the first and last name, date of birth, or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction or offense that contains the first and last name, date of birth, and Social Security number, or a substantial number of identifying

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.

17 factors or characteristics to that of such other person as to cause such other person to be
18 identified as the actual person arrested or convicted; or

19 **(4) Upon being lawfully detained, falsely represents himself or herself, to a law**
20 **enforcement officer, with the first and last name, date of birth, or Social Security number,**
21 **or a substantial number of identifying factors or characteristics as that of another person.**

22 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to
23 any conviction of the person actually arrested for an underlying charge, then the prosecuting
24 attorney, bringing any action on the underlying charge, shall notify the court thereof, and the
25 court shall order the false-identifying factors ascribed to the person actually arrested as are
26 contained in the arrest and court records amended to correctly and accurately identify the
27 defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and
28 court records.

29 3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any
30 conviction of the person actually arrested for an underlying charge, then the prosecuting attorney
31 of the county in which the conviction occurred shall file a motion in the underlying case with the
32 court to correct the arrest and court records after discovery of the fraud upon the court. The court
33 shall order the false identifying factors ascribed to the person actually arrested as are contained
34 in the arrest and court records amended to correctly and accurately identify the defendant and
35 shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

36 4. Any person who is the victim of a false impersonation and whose identity has been
37 falsely reported in arrest or conviction records may move for expungement and correction of said
38 records under the procedures set forth in section 610.123. Upon a showing that a substantial
39 number of identifying factors of the victim was falsely ascribed to the person actually arrested
40 or convicted, the court shall order the false identifying factors ascribed to the person actually
41 arrested as are contained in the arrest and court records amended to correctly and accurately
42 identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and
43 court records.

44 5. The offense of false impersonation is a class B misdemeanor unless the person
45 represents himself or herself to be a law enforcement officer in which case it is a class A
46 misdemeanor.

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