

SECOND REGULAR SESSION

SENATE BILL NO. 985

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Read 1st time January 22, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4439S.011

AN ACT

To repeal section 575.060, RSMo, and to enact in lieu thereof one new section relating to false declarations, with penalty provisions.

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

Section A. Section 575.060, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 575.060, to read as follows:

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

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

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

7 (b) On a form bearing notice, authorized by law, that false statements
8 made therein are punishable; or

9 (2) Submits or invites reliance on:

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

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

14 **(3) Provides any verbal false statement that he or she believes**
15 **or knows not to be true during a criminal investigation.**

16 2. The falsity of the statement or the item under subsection 1 of this
17 section must be as to a fact which is material to the purposes for which the
18 statement is made or the item submitted; and the provisions of subsections 2 and
19 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

20 3. It is a defense to a prosecution under subsection 1 of this section that

21 the actor retracted the false statement or item but this defense shall not apply
22 if the retraction was made after:

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

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

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

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

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

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Bill

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