

FIRST REGULAR SESSION

HOUSE BILL NO. 80

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

0570H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 575.120 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and 575.120 as enacted by house bill no. 916, ninety-second general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to the crime of false impersonation, with penalty provisions.

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

Section A. Sections 575.120 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and 575.120 as enacted by house bill no. 916, ninety-second general assembly, second regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 575.120, to read as follows: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 **in a manner including, but not limited to, displaying a badge or other credential** 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

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.

13 (3) Upon being arrested, falsely represents himself or herself, to a law enforcement
14 officer, with the first and last name, date of birth, or Social Security number, or a substantial
15 number of identifying factors or characteristics as that of another person that results in the filing
16 of a report or record of arrest or conviction for an infraction or offense that contains the first and
17 last name, date of birth, and Social Security number, or a substantial number of identifying
18 factors or characteristics to that of such other person as to cause such other person to be
19 identified as the actual person arrested or convicted.

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

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

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

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

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

2 (1) Falsely represents himself or herself to be a public servant **in a manner including,**
3 **but not limited to, displaying a badge or other credential** with purpose to induce another to

4 submit to his or her pretended official authority or to rely upon his or her pretended official acts,
5 and

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

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

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

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

12 (b) Causes another to act in reliance upon such representation; or

13 (3) Upon being arrested, falsely represents himself or herself, to a law enforcement
14 officer, with the first and last name, date of birth, or Social Security number, or a substantial
15 number of identifying factors or characteristics as that of another person that results in the filing
16 of a report or record of arrest or conviction for an infraction, misdemeanor, or felony that
17 contains the first and last name, date of birth, and Social Security number, or a substantial
18 number of identifying factors or characteristics to that of such other person as to cause such other
19 person to be identified as the actual person arrested or convicted.

20 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to
21 any conviction of the person actually arrested for an underlying charge, then the prosecuting
22 attorney, bringing any action on the underlying charge, shall notify the court thereof, and the
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38 or convicted, the court shall order the false identifying factors ascribed to the person actually
39 arrested as are contained in the arrest and court records amended to correctly and accurately

40 identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and
41 court records.

42 5. False impersonation is a class B misdemeanor unless the person represents himself
43 to be a law enforcement officer in which case false impersonation is a class A misdemeanor.

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