

SECOND REGULAR SESSION

SENATE BILL NO. 737

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time January 16, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

4755S.011

AN ACT

To repeal section 575.021, RSMo, and to enact in lieu thereof one new section relating to obstruction of an ethics investigation, with existing penalty provisions.

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

Section A. Section 575.021, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 575.021, to read as follows:

575.021. 1. A person commits the crime of obstruction of an ethics
2 investigation if such person, for the purpose of obstructing or preventing an ethics
3 investigation, knowingly commits any of the following acts:

4 (1) Confers or agrees to confer anything of pecuniary benefit to any person
5 in direct exchange for that person's concealing or withholding any information
6 concerning any violation of sections 105.450 to 105.496 and chapter 130;

7 (2) **[Accepting or agreeing] Accepts or agrees** to accept anything of
8 pecuniary benefit in direct exchange for concealing or withholding any
9 information concerning any violation of sections 105.450 to 105.496 or chapter
10 130;

11 (3) Utters or submits a false statement that the person does not believe
12 to be true to any member or employee of the Missouri ethics commission or to any
13 official investigating any violation of sections 105.450 to 105.496 or chapter 130;
14 or

15 (4) Submits any **inaccurate** writing or other documentation [that is
16 inaccurate and] that the person does not believe to be true to any member or
17 employee of the Missouri ethics commission or to any official investigating any
18 violation of sections 105.450 to 105.496 or chapter 130.

19 2. It is a defense to a prosecution under subdivisions (3) and (4) of

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 subsection 1 of this section that the person retracted the false statement, writing,
21 or other documentation, but this defense shall not apply if the retraction was
22 made after:

23 (1) The falsity of the statement, writing, or other documentation was
24 exposed; or

25 (2) Any member or employee of the Missouri ethics commission or any
26 official investigating any violation of sections 105.450 to 105.496 or chapter 130
27 took substantial action in reliance on the statement, writing, or other
28 documentation.

29 3. The defendant shall have the burden of injecting the issue of retraction
30 under this section.

31 4. Obstruction of an ethics investigation under this section is a class A
32 misdemeanor.

✓

Bill

Copy