

SECOND REGULAR SESSION

# SENATE BILL NO. 1011

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

Read 1st time February 17, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5445S.011

## AN ACT

To repeal section 575.080, RSMo, and to enact in lieu thereof one new section relating to the offense of making a false report, with penalty provisions.

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

Section A. Section 575.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.080, to read as follows:

575.080. 1. A person **eighteen years of age or older** commits the offense of making a false report if he or she knowingly:

(1) Gives false information to any person for the purpose of implicating another person in an offense; or

(2) Makes a false report to a law enforcement officer that an offense has occurred or is about to occur; or

(3) Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, [which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur] **with reckless disregard of causing bodily harm to any person as a direct result of an emergency response.**

2. It is a defense to a prosecution under subsection 1 of this section that the person retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. The offense of making a false report is a class B misdemeanor **if the report is a false report of a misdemeanor offense.**

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

20           5. The offense of making a false report is a class C felony if the  
21 report is a false report of a felony offense.

22           6. The offense of making a false report is a class B felony if the  
23 false report results in death or grievous bodily injury as a proximate  
24 result of lawful conduct arising out of that response.

25           7. Any person convicted of a violation pursuant to this section  
26 may be liable for the reasonable costs of any emergency response  
27 resulting from the false report.

28           8. A violation of this section may be prosecuted in any  
29 jurisdiction where the defendant made the false report, the county  
30 where the false report was communicated to law enforcement, or the  
31 county where law enforcement responded to the false report.

32           9. A person under eighteen years of age who violates this section  
33 is guilty of an infraction for the first offense. Such person must appear  
34 before a juvenile court in the jurisdiction where he or she made the  
35 false report, the county where the false report was communicated to  
36 law enforcement, or the county where law enforcement responded to  
37 the false report. In lieu of appearing in court, the minor may complete  
38 thirty hours of community service work or pay a fine not to exceed two  
39 hundred fifty dollars.

40           10. Nothing in this section shall be construed to impose liability  
41 on a person who contacts law enforcement for the purposes of, or in  
42 connection to, the reporting of unlawful conduct or conflict with the  
43 Communication Decency Act, 47 U.S.C. Section 230, or the Civil Rights  
44 Act, 42 U.S.C. Section 1983.

45           11. A person who is a victim of an offense under this section may  
46 bring a civil action against the person who committed the offense of  
47 making a false report and may recover damages or any other equitable  
48 relief, including reasonable attorneys fees.

49           12. Any person who is found liable under this section shall be  
50 jointly and severally liable with any person, if any, who is found liable  
51 under this section for damages arising from the same violation of this  
52 section.

53           13. As used in this section, "emergency" shall mean any condition  
54 that results in, or is likely to result in, the response of a public official  
55 in an authorized emergency vehicle, aircraft, or vessel or that  
56 jeopardizes or is likely to jeopardize public safety and results in, or is

57 likely to result in, the evacuation of any area, building, structure,  
58 vehicle, or of any other place that any individual may enter.

✓

Unofficial

Bill

Copy