

SECOND REGULAR SESSION

# HOUSE BILL NO. 1195

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CAUTHORN (Sponsor), REIBOLDT, LOEHNER,  
ASBURY AND GUERNSEY (Co-sponsors).

4701L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 302.286, 569.140, and 575.120, RSMo, and to enact in lieu thereof four new sections relating to agricultural crimes, with penalty provisions.

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

Section A. Sections 302.286, 569.140, and 575.120, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 302.286, 569.140, 575.120, and 575.124, to read as follows:

302.286. 1. No person shall:

(1) Drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made; **or**

(2) **Dispense or otherwise remove any motor fuel from a storage container at any residence, farm, or agricultural property without the express permission of the owner of such residence, farm, or agricultural property. Any such unauthorized dispensing or removal of motor fuel is theft of motor fuel and is punishable as the crime of stealing under section 570.030.**

A person found guilty or pleading guilty to stealing pursuant to section 570.030 for the theft of motor fuel as described in this section shall have his or her driver's license suspended by the court, beginning on the date of the court's order of conviction.

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.

14           2. The person shall submit all of his or her operator's and chauffeur's licenses to the court  
15 upon conviction and the court shall forward all such driver's licenses and the order of suspension  
16 of driving privileges to the department of revenue for administration of such order.

17           3. Suspension of a driver's license pursuant to this section shall be made as follows:

18           (1) For the first offense, suspension shall be for sixty days, provided that persons may  
19 apply for hardship licenses pursuant to section 302.309 at any time following the first thirty days  
20 of such suspension;

21           (2) For the second offense, suspension shall be for ninety days, provided that persons  
22 may apply for hardship licenses pursuant to section 302.309 at any time following the first sixty  
23 days of such suspension; and

24           (3) For the third or any subsequent offense, suspension shall be for one hundred eighty  
25 days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any  
26 time following the first ninety days of such suspension.

27           4. At the expiration of the suspension period, and upon payment of a reinstatement fee  
28 of twenty-five dollars, the director shall terminate the suspension and shall return the person's  
29 driver's license. The reinstatement fee shall be in addition to any other fees required by law, and  
30 shall be deposited in the state treasury to the credit of the state highway department fund,  
31 pursuant to section 302.228.

          569.140. 1. A person commits the crime of trespass in the first degree if he knowingly  
2 enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon  
3 real property.

4           2. A person does not commit the crime of trespass in the first degree by entering or  
5 remaining upon real property unless the real property is fenced or otherwise enclosed in a manner  
6 designed to exclude intruders or as to which notice against trespass is given by:

7           (1) Actual communication to the actor; or

8           (2) Posting in a manner reasonably likely to come to the attention of intruders.

9           3. Trespass in the first degree is a class [B] A 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 with purpose to induce  
3 another to submit to his or her pretended official authority or to rely upon his or her pretended  
4 official acts, and

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

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

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

- 10 (a) Performs an act in that pretended capacity; or  
11 (b) Causes another to act in reliance upon such representation; or  
12 (3) Upon being arrested, falsely represents himself or herself, to a law enforcement  
13 officer, with the first and last name, date of birth, or Social Security number, or a substantial  
14 number of identifying factors or characteristics as that of another person that results in the filing  
15 of a report or record of arrest or conviction for an infraction, misdemeanor, or felony that  
16 contains the first and last name, date of birth, and Social Security number, or a substantial  
17 number of identifying factors or characteristics to that of such other person as to cause such other  
18 person to be identified as the actual person arrested or convicted.
- 19 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to  
20 any conviction of the person actually arrested for an underlying charge, then the prosecuting  
21 attorney, bringing any action on the underlying charge, shall notify the court thereof, and the  
22 court shall order the false-identifying factors ascribed to the person actually arrested as are  
23 contained in the arrest and court records amended to correctly and accurately identify the  
24 defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and  
25 court records.
- 26 3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any  
27 conviction of the person actually arrested for an underlying charge, then the prosecuting attorney  
28 of the county in which the conviction occurred shall file a motion in the underlying case with the  
29 court to correct the arrest and court records after discovery of the fraud upon the court. The court  
30 shall order the false identifying factors ascribed to the person actually arrested as are contained  
31 in the arrest and court records amended to correctly and accurately identify the defendant and  
32 shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
- 33 4. Any person who is the victim of a false impersonation and whose identity has been  
34 falsely reported in arrest or conviction records may move for expungement and correction of said  
35 records under the procedures set forth in section 610.123. Upon a showing that a substantial  
36 number of identifying factors of the victim was falsely ascribed to the person actually arrested  
37 or convicted, the court shall order the false identifying factors ascribed to the person actually  
38 arrested as are contained in the arrest and court records amended to correctly and accurately  
39 identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and  
40 court records.
- 41 5. False impersonation is a class [B] A misdemeanor unless the person represents himself  
42 to be a law enforcement officer in which case false impersonation is a class [A misdemeanor]  
43 **C felony.**

2 **575.124. 1. No person shall attempt by means of any threat or violence to deter or prevent an inspector, agent, or other employee of the department of agriculture from**

3 performing any duties imposed by law upon such inspector, agent, or employee or the  
4 department.

5       **2. No person shall impersonate an inspector, agent, or employee of the department**  
6 **of agriculture.**

7       **3. Any person who violates the provisions of this section is guilty of a class B**  
8 **misdemeanor. Any second or subsequent violation of this section is a class A misdemeanor.**

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