

SECOND REGULAR SESSION

HOUSE BILL NO. 2219

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORLEW.

5826H.031

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 575.080, RSMo, and to enact in lieu thereof two new sections relating to false reports, 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Section A. Section 575.080, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 537.560 and 575.080, to read as follows:

537.560. 1. Irrespective of any criminal prosecution or the result thereof, any person incurring bodily injury or damage or loss to his or her property as a result of a false report in violation of subdivision (4) of subsection 1 of section 575.080 shall have a civil action to secure an injunction, damages, or other appropriate relief in law or in equity against any and all persons who violated section 575.080.

2. In any such action, whether a violation of section 575.080 has occurred shall be determined according to the burden of proof used in other civil actions for similar relief.

3. In any such civil action, the plaintiff may recover:

(1) Both special and general damages; and

(2) Reasonable attorney's fees and costs.

575.080. 1. A person 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~~

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.

7 (3) Makes a false report or causes a false report to be made to a law enforcement officer,
8 security officer, fire department or other organization, official or volunteer, which deals with
9 emergencies involving danger to life or property that a fire or other incident calling for an
10 emergency response has occurred or is about to occur; or

11 **(4) With the intent to cause an emergency response in the absence of circumstances**
12 **requiring such a response, the person knowingly communicates false or misleading**
13 **information indicating that conduct has taken, is taking, or will take place that may**
14 **reasonably be believed to constitute a violation of any state or federal criminal law or be**
15 **believed to endanger public health or safety.**

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

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

21 4. The offense of making a false report **under subdivisions (1) to (3) of subsection 1**
22 **of this section** is a class B misdemeanor. **The offense of making a false report under**
23 **subdivision (4) of subsection 1 of this section is a:**

24 **(1) Class B misdemeanor if no emergency response results;**

25 **(2) Class A misdemeanor if an emergency response results;**

26 **(3) Class E felony if serious bodily injury results; or**

27 **(4) Class D felony if death results.**

28 5. **The court, while imposing a sentence on a person convicted under subdivision**
29 **(4) of subsection 1 of this section, shall order the person to reimburse a harmed party for**
30 **the expenses of an emergency response caused by the person's conduct. Any person**
31 **ordered to make reimbursements under this subsection shall be jointly and severally liable**
32 **for such expenses with each other person, if any, who is ordered to make reimbursement**
33 **for the same incident. An order of reimbursement under this subsection shall be treated**
34 **as a civil judgment for the purposes of enforcement.**

35 6. **For the purposes of this section, "emergency response" means any action taken**
36 **by law enforcement personnel, security personnel, or a fire or rescue service to immediately**
37 **respond to an event that threatens or may reasonably be believed to threaten public health**
38 **or safety.**

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