

HOUSE BILL NO. 1365

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

3363H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 575, RSMo, by adding thereto one new section relating to the offense of failure to identify, with penalty provisions.

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

Section A. Chapter 575, RSMo, is amended by adding thereto one new section, to be known as section 575.185, to read as follows:

575.185. 1. A person commits the offense of failure to identify if the person intentionally refuses to give his or her name, address of residence, or date of birth to a peace officer who has lawfully arrested the person and requested the information. An offense under this subsection is a class D misdemeanor. However, if the person is a fugitive from justice at the time of the offense, the offense under this subsection is a class B misdemeanor.

2. A person commits the offense of failure to identify if the person intentionally gives a false or fictitious name, address of residence, or date of birth to a peace officer who has:

- (1) Lawfully arrested the person; or**
- (2) Lawfully detained the person.**

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An offense under this subsection is a class B misdemeanor. However, if the person is a fugitive from justice at the time of the offense, the offense under this subsection is a class A misdemeanor.

3. If conduct that constitutes an offense under this section also constitutes an offense under section 311.325, the offender shall be prosecuted only under section 311.325.

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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.