

## CHAPTER 575

### OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE

**575.060. False declarations.** - 1. A person commits the crime of making a false declaration if, with the purpose to mislead a public servant in the performance of his duty, he:

(1) Submits any written false statement, which he does not believe to be true

(a) In an application for any pecuniary benefit or other consideration; or

(b) On a form bearing notice, authorized by law, that false statements made therein are punishable; or

(2) Submits or invites reliance on

(a) Any writing which he knows to be forged, altered or otherwise lacking in authenticity; or

(b) Any sample, specimen, map, boundary mark, or other object which he knows to be false.

2. The falsity of the statement or the item under subsection 1 of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

3. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or item but this defense shall not apply if the retraction was made after:

(1) The falsity of the statement or item was exposed; or

(2) The public servant took substantial action in reliance on the statement or item.

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

5. For the purpose of this section, "**written**" shall include filings submitted in an electronic or other format or medium approved or prescribed by the secretary of state.

6. Making a false declaration is a class B misdemeanor.

(L. 1977 S.B. 60, A.L. 2002 S.B. 895)

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