

CRIMINAL LAWS:

A person who knowingly and willfully makes or causes to be made a false report to any peace officer or other official in the state of Missouri whose duty it is to enforce the criminal laws of the state, concerning an alleged crime, has committed a misdemeanor under Section 562.285, RSMo Supp. 1967, and can be prosecuted therefor.

October 9, 1969

OPINION NO. 426

Mr. C. John Forge, Jr.  
Assistant County Prosecutor  
Thice, Titus, Glasgow, Johnson & Forge  
Law Offices  
Chrisman Sawyer Bank  
Independence, Missouri 64050

Dear Mr. Forge:

This is in response to your request for an opinion as to whether false complaints relative to burglary, assault, and other alleged crimes are violations of any criminal statute.

Section 562.285 (§2), RSMo Supp. 1967, provides, in part, as follows:

"2. Any person who

(1) Knowingly and willfully makes or causes to be made any false report to any peace officer or other official in the state of Missouri whose duty it is to enforce the criminal laws of the state, concerning an alleged crime, or an alleged attempt made or to be made, to do any act which would be a crime prohibited by the statutes of this state, knowing at the time that no crime, or attempt to commit a crime, had been made or would be made; or

(2) Knowingly and willfully imparts or conveys, or causes to be imparted or conveyed false information regarding the presence of any destructive substance in any dwelling house, building, barn, stable, business establishment, schoolhouse or building used as

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such, office or depot, any house of public worship, any bridge, tunnel, viaduct, railway track, roadway, highway, or airport, terminal, or dock, or any aircraft, boat, vessel or other watercraft, railroad train, motor vehicle or other means of transportation, or in any building or property belonging to the United States or to this state, or to any county, city, town or village in this state, or in such location as to be likely to cause injury to any person or damage to any goods, wares, merchandise, property or structure not specifically named herein; or

(3) Knowingly and willfully places any destructive substance or simulated destructive substance in any dwelling house, building, barn, stable, business establishment, schoolhouse or building used as such, office or depot, any house of public worship, any bridge, tunnel, viaduct, railway track, roadway, highway, or airport, terminal or dock, or any aircraft, boat, vessel or other watercraft, railroad train, motor vehicle or other means of transportation, or in any building or property belonging to the United States or to this state, or to any county, city, town or village in this state, or in, or about, any goods, wares, merchandise, property or structure not specifically named herein;

is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars or more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days or more than one year, or by both the fine and imprisonment."

As can be seen from reading this statute, sub-section 1 of sub-section 2, makes it a misdemeanor to knowingly and willfully cause a false report to be made concerning an alleged crime. There is no limitation whatsoever in that sub-section stating that it only applies to false reports concerning the placement of destructive devices. False reports concerning the placement of destructive devices is expressly covered in sub-section 2 of sub-section 2 of Section 562.285. Therefore, it can be assumed that the legislature did not intend to limit the operation of sub-section 1 of sub-section 2 to only those false reports concerning the placement of destructive devices. The express language of the sub-section, and its general terms, indicate that it was intended to cover all situations where false reports were made of an alleged crime.

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CONCLUSION

Therefore, it is the conclusion of this office, that a person who knowingly and willfully makes or causes to be made a false report to any peace officer or other official in the state of Missouri whose duty it is to enforce the criminal laws of the state, concerning an alleged crime, has committed a misdemeanor under Section 562.285, RSMo Supp. 1967, and can be prosecuted therefor.

The above opinion, in which I concur, was prepared for me by my Assistant Thomas L. Patten.

Very truly yours,



JOHN C. DANFORTH  
Attorney General