

**21.14 FALSE INFORMATION TO LAW ENFORCEMENT INVESTIGATING A
MISSING PERSON 16 YEARS OF AGE OR YOUNGER WHO SUFFERS [GREAT
BODILY HARM] [PERMANENT DISABILITY] [PERMANENT DISFIGUREMENT]
[DEATH]**

§ 837.055(2), Fla. Stat.

To prove the crime of False Information to Law Enforcement Investigating a Missing Person 16 Years of Age or Younger Who Suffers [Great Bodily Harm] [Permanent Disability] [Permanent Disfigurement] [Death], the State must prove the following six elements beyond a reasonable doubt:

- 1. (Name of law enforcement officer) was conducting a missing person investigation involving a child 16 years of age or younger.**
- 2. (Name of law enforcement officer) was a law enforcement officer.**
- 3. (Defendant) knew (name of law enforcement officer) was a law enforcement officer.**
- 4. (Defendant) knowingly and willfully gave false information to (name of law enforcement officer).**
- 5. (Defendant) intended to mislead (name of law enforcement officer) or impede the investigation.**
- 6. The child who was the subject of the investigation suffered [great bodily harm] [death] [permanent [disability] [disfigurement]].**

Definitions.

Patterson v. State, 512 So. 2d 1109 (Fla. 1st DCA 1987).

“Willfully” means knowingly, intentionally, and purposely.

Wheeler v. State, 203 So. 3d 1007 (Fla. 4th DCA 2016).

“Great bodily harm” means great as distinguished from slight, trivial, minor, or moderate harm, and as such does not include mere bruises.

Lesser Included Offenses

FALSE INFORMATION TO LAW ENFORCEMENT INVESTIGATING A MISSING PERSON 16 YEARS OF AGE OR YOUNGER WHO SUFFERS [GREAT BODILY HARM] [DEATH] [PERMANENT [DISABILITY] [DISFIGUREMENT] - § 837.055(2)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Knowingly Giving False Information Concerning a Missing Person Investigation		837.055(1)	21.15
	Knowingly Giving False Information Concerning a Felony Criminal Investigation	837.055(1)	21.15
	Attempt	777.04(1)	5.1

Comments

As of November 2018, it is undetermined whether an element of this crime is that the defendant knew that the missing person investigation involved a child 16 years of age or younger.

As of November 2018, there is no case law regarding the definition of “law enforcement officer.

This instruction was adopted in 2013 [131 So. 3d 755], and amended in 2019.