

HOUSE BILL ANALYSIS

HB 1843

Title: An act relating to enhancing penalties for lying before a court.

Brief Description: Enhancing penalties for lying before a court.

Sponsors: Representatives Lambert, Hurst, Koster, Mielke, Boldt, Dunn and Carrell.

Brief Summary of Bill

- Conforms the state law on perjury with the federal law on perjury.
- Allows a court to impose contempt sanctions upon a person who has lied before the court.
- Requires the Office of the Administrator for the Courts to conduct a study on the number of charges brought within the state for perjury and contempt for lying before the court.

HOUSE COMMITTEE ON JUDICIARY

Staff: Jim Morishima (786-7191).

Background:

A person is guilty of perjury in the first degree if he or she makes a materially false statement that he or she *knows to be false* under oath. Perjury in the first degree is a class B felony.

Under federal law, a person is guilty of perjury if he or she makes a materially false statement that he or she *does not believe to be true*. The Washington Supreme Court has implied that the difference in language between the state and federal law (*knows to be false* vs. *does not believe to be true*) makes the federal law on perjury more severe than the state law.

Whenever it appears probable to a judge that a witness has committed perjury, the judge may immediately jail the witness, or demand the witness's appearance, in order to answer to a charge of perjury.

Summary of Bill:

The language in the state perjury statute is changed to conform with the federal law. A person is guilty of perjury in the first degree if he or she makes a materially false statement that he or she *does not believe to be true*.

Whenever it appears probable to a judge that a person is lying before the court, the judge may sanction the person for contempt. The court must give the person an opportunity to speak in mitigation of the contempt unless compelling circumstances demand otherwise. The person may not be sanctioned if he or she retracts the false statement before it substantially affects the proceeding.

The order of contempt must recite the facts and state the sanctions imposed. The judge must sign the order and enter it on the record. A person sanctioned for contempt may be fined up to \$5,000, imprisoned up to 30 days, or both.

For the years 1999 through 2003, the Office of the Administrator for the Courts (OAC) must: (1) determine the number of charges of first-degree perjury brought within the state, the resolution of the charges, and any penalties imposed; and (2) determine the number of charges of contempt of court for lying under oath brought within the state, the resolution of the charges, and any sanctions imposed. The OAC must report its findings annually to the Legislature no later than December 31 of each year. The report must include any available data from the year 1998 for purposes of comparison.

Fiscal Note: Requested February 11, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research