

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1692

57th Legislature
2001 Regular Legislative Session

Passed by the House April 16, 2001
Yeas 94 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 11, 2001
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1692** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1692

AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Representatives Boldt, Carrell and Hurst

Read first time 02/01/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to the crime of perjury; reenacting RCW 9A.72.010
2 and 9A.72.030; creating a new section; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The purpose of this act is to respond to
5 *State v. Thomas*, 103 Wn. App. 800, by reenacting, without changes,
6 legislation relating to the crime of perjury, as amended in sections 30
7 and 31, chapter 285, Laws of 1995.

8 **Sec. 2.** RCW 9A.72.010 and 1995 c 285 s 30 are each reenacted to
9 read as follows:

10 The following definitions are applicable in this chapter unless the
11 context otherwise requires:

12 (1) "Materially false statement" means any false statement oral or
13 written, regardless of its admissibility under the rules of evidence,
14 which could have affected the course or outcome of the proceeding;
15 whether a false statement is material shall be determined by the court
16 as a matter of law;

1 (2) "Oath" includes an affirmation and every other mode authorized
2 by law of attesting to the truth of that which is stated; in this
3 chapter, written statements shall be treated as if made under oath if:

4 (a) The statement was made on or pursuant to instructions on an
5 official form bearing notice, authorized by law, to the effect that
6 false statements made therein are punishable;

7 (b) The statement recites that it was made under oath, the
8 declarant was aware of such recitation at the time he or she made the
9 statement, intended that the statement should be represented as a sworn
10 statement, and the statement was in fact so represented by its delivery
11 or utterance with the signed jurat of an officer authorized to
12 administer oaths appended thereto; or

13 (c) It is a statement, declaration, verification, or certificate,
14 made within or outside the state of Washington, which is certified or
15 declared to be true under penalty of perjury as provided in RCW
16 9A.72.085.

17 (3) An oath is "required or authorized by law" when the use of the
18 oath is specifically provided for by statute or regulatory provision or
19 when the oath is administered by a person authorized by state or
20 federal law to administer oaths;

21 (4) "Official proceeding" means a proceeding heard before any
22 legislative, judicial, administrative, or other government agency or
23 official authorized to hear evidence under oath, including any referee,
24 hearing examiner, commissioner, notary, or other person taking
25 testimony or depositions;

26 (5) "Juror" means any person who is a member of any jury, including
27 a grand jury, impaneled by any court of this state or by any public
28 servant authorized by law to impanel a jury; the term juror also
29 includes any person who has been drawn or summoned to attend as a
30 prospective juror;

31 (6) "Testimony" includes oral or written statements, documents, or
32 any other material that may be offered by a witness in an official
33 proceeding.

34 **Sec. 3.** RCW 9A.72.030 and 1995 c 285 s 31 are each reenacted to
35 read as follows:

36 (1) A person is guilty of perjury in the second degree if, in an
37 examination under oath under the terms of a contract of insurance, or
38 with intent to mislead a public servant in the performance of his or

1 her duty, he or she makes a materially false statement, which he or she
2 knows to be false under an oath required or authorized by law.

3 (2) Perjury in the second degree is a class C felony.

4 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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