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HOUSE BILL 1843

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Lambert, Hurst, Koster, Mielke, Boldt, Dunn and Carrell

Read first time 02/08/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to enhancing penalties for lying before a court;  
2 amending RCW 9A.72.020; adding a new section to chapter 9.72 RCW;  
3 creating new sections; prescribing penalties; and providing an  
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares that:

7 (a) Lying under oath is one of the most egregious threats possible  
8 to the integrity of our system of justice;

9 (b) Lying under oath has profound and harmful consequences not just  
10 for individuals but for society as a whole;

11 (c) When society allows people to lie under oath, justice is denied  
12 because judges and juries are unable to reach just results; and

13 (d) It is essential that people sworn to testify under oath tell  
14 the truth, the whole truth, and nothing but the truth to prevent both  
15 the erosion of the most fundamental element of the search for justice  
16 and the substantial endangerment of individual rights.

17 (2) It is the intent of the legislature that:

18 (a) The truth be zealously pursued in our criminal and civil  
19 justice systems; and

1 (b) Severe sanctions be leveled against people who lie under oath.

2 **Sec. 2.** RCW 9A.72.020 and 1975 1st ex.s. c 260 s 9A.72.020 are  
3 each amended to read as follows:

4 (1) A person is guilty of perjury in the first degree if in any  
5 official proceeding ((he)) the person makes a materially false  
6 statement ((which he knows to be false)) that the person does not  
7 believe to be true under an oath required or authorized by law.

8 (2) Knowledge of the materiality of the statement is not an element  
9 of this crime, and the ((actor's)) person's mistaken belief that  
10 ((his)) the person's statement was not material is not a defense to a  
11 prosecution under this section.

12 (3) Perjury in the first degree is a class B felony.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.72 RCW  
14 to read as follows:

15 (1) Whenever it appears probable to a judge, magistrate, or other  
16 officer lawfully authorized to conduct a hearing, proceeding, or  
17 investigation that a person who has testified before the judge,  
18 magistrate, or officer has lied in testimony so given or offered false  
19 evidence, the judge, magistrate, or officer may impose sanctions upon  
20 the person for contempt of court under this section.

21 (2) The judge, magistrate, or officer, or any party may bring a  
22 motion for contempt under this section before the end of the hearing,  
23 proceeding, or investigation.

24 (3) The person committing the contempt of court under this section  
25 must be given an opportunity to speak in mitigation of the contempt  
26 unless compelling circumstances demand otherwise.

27 (4) The order of contempt must recite the facts, state the  
28 sanctions imposed, and be signed by the judge, magistrate, or other  
29 officer and entered on the record.

30 (5) No person may be sanctioned for contempt under this section if  
31 the person retracts the false statement or false evidence in the course  
32 of the same hearing, proceeding, or investigation in which it was made  
33 or offered so long as the person makes the retraction before the false  
34 statement or false evidence substantially affects the hearing,  
35 proceeding, or investigation.

36 (6) A judge, magistrate, or other officer, after a finding of  
37 contempt under this section, may impose for each separate contempt a

1 fine of not more than five thousand dollars or imprisonment in the  
2 county jail for not more than thirty days, or both.

3 NEW SECTION. **Sec. 4.** For each year, beginning in 1999 through  
4 2003, the administrator for the courts shall:

5 (1) Determine the number of charges of first degree perjury brought  
6 against persons within the state of Washington, the resolution of the  
7 charges, and any penalties imposed;

8 (2) Determine the number of charges of contempt of court for lying  
9 under oath brought against persons within the state of Washington, the  
10 resolution of the charges, and any sanctions imposed; and

11 (3) Submit a report of its findings to both houses of the  
12 legislature no later than December 31st of each year. The  
13 administrator for the courts shall include any available data for the  
14 year 1998 in its report for purposes of comparison.

15 (4) This section expires July 1, 2004.

16 NEW SECTION. **Sec. 5.** If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

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