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SENATE BILL 5227

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators Kline, Rockefeller, and Hargrove

Read first time 01/16/09. Referred to Committee on Judiciary.

1            AN ACT Relating to materially false statements; and amending RCW  
2            9A.72.010.

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

4            **Sec. 1.** RCW 9A.72.010 and 2001 c 171 s 2 are each amended to read  
5            as follows:

6            The following definitions are applicable in this chapter unless the  
7            context otherwise requires:

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

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

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

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

7 (c) It is a statement, declaration, verification, or certificate,  
8 made within or outside the state of Washington, which is certified or  
9 declared to be true under penalty of perjury as provided in RCW  
10 9A.72.085.

11 (3) An oath is "required or authorized by law" when the use of the  
12 oath is specifically provided for by statute or regulatory provision or  
13 when the oath is administered by a person authorized by state or  
14 federal law to administer oaths;

15 (4) "Official proceeding" means a proceeding heard before any  
16 legislative, judicial, administrative, or other government agency or  
17 official authorized to hear evidence under oath, including any referee,  
18 hearing examiner, commissioner, notary, or other person taking  
19 testimony or depositions;

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

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

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