

HOUSE BILL NO. 687

INTRODUCED BY L. SHELDON-GALLOWAY

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PERJURY AND FALSE SWEARING; REQUIRING THE INVESTIGATION OF CREDIBLE ALLEGATIONS OF PERJURY AND FALSE SWEARING; PROVIDING MANDATORY MINIMUMS; AND AMENDING SECTIONS 45-7-201 AND 45-7-202, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 45-7-201, MCA, is amended to read:

**"45-7-201. Perjury.** (1) A person commits the offense of perjury if in any official proceeding the person knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made when the statement is material.

(2) A person convicted of perjury shall be punished by imprisonment in the state prison for ~~any~~a term of not less than 1 year not to exceed or more than 10 years or be punished by a fine of not more than \$50,000, or both.

(3) Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law.

(4) It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made upon oath or affirmation at any time when the offender presents it as being so verified must be considered to have been sworn or affirmed.

(5) A person may not be guilty of an offense under this section if the person retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.

