



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0328

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

720 ILCS 5/32-2

from Ch. 38, par. 32-2

Amends the Criminal Code of 2012. Provides that an indictment or information for perjury alleging that in the same or in different proceedings in which an oath or affirmation is required, the offender, under oath, knowingly made contradictory statements to the degree that one of the statements is necessarily false, need not specify which statement is false if: (1) each statement was material to the issue or point in question; and (2) each statement was made within the period of the statute of limitations for the offense charged. Provides that it is a defense to an indictment or information made for perjury that the defendant at the time he or she made each declaration believed the declaration to be true. Effective immediately.

LRB100 04214 SLF 14220 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 32-2 as follows:

6 (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)
7 Sec. 32-2. Perjury.

8 (a) A person commits perjury when, under oath or
9 affirmation, in a proceeding or in any other matter where by
10 law the oath or affirmation is required, he or she makes a
11 false statement, material to the issue or point in question,
12 knowing the statement is false.

13 (b) Proof of Falsity.

14 An indictment or information for perjury alleging that in
15 the same or in different proceedings in which an oath or
16 affirmation is required, the offender, under oath, ~~has~~
17 knowingly made contradictory statements to the degree that one
18 of the statements is necessarily false, ~~material to the issue~~
19 ~~or point in question, in the same or in different proceedings,~~
20 ~~where the oath or affirmation is required,~~ need not specify
21 which statement is false if:

22 (1) each statement was material to the issue or point
23 in question; and

1 (2) each statement was made within the period of the
2 statute of limitations for the offense charged under
3 subsection (a) of this Section.

4 It is a defense to proof of falsity under this subsection
5 (b) that the defendant at the time he or she made each
6 declaration believed the declaration to be true. ~~At the trial,~~
7 ~~the prosecution need not establish which statement is false.~~

8 (c) Admission of Falsity.

9 Where the contradictory statements are made in the same
10 continuous trial, an admission by the offender in that same
11 continuous trial of the falsity of a contradictory statement
12 shall bar prosecution therefor under any provisions of this
13 Code.

14 (d) A person shall be exempt from prosecution under
15 subsection (a) of this Section if he or she is a peace officer
16 who uses a false or fictitious name in the enforcement of the
17 criminal laws, and this use is approved in writing as provided
18 in Section 10-1 of "The Liquor Control Act of 1934", as
19 amended, Section 5 of "An Act in relation to the use of an
20 assumed name in the conduct or transaction of business in this
21 State", approved July 17, 1941, as amended, or Section 2605-200
22 of the Department of State Police Law. However, this exemption
23 shall not apply to testimony in judicial proceedings where the
24 identity of the peace officer is material to the issue, and he
25 or she is ordered by the court to disclose his or her identity.

26 (e) Sentence.

1 Perjury is a Class 3 felony.

2 (Source: P.A. 97-1108, eff. 1-1-13.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.