



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4400

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 them 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.

LRB099 16042 RLC 40361 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 them is necessarily false, ~~material to the issue or point in~~  
19 ~~question, in the same or in different proceedings, where the~~  
20 ~~oath or affirmation is required,~~ need not specify which  
21 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.