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HOUSE BILL NO. 2652

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 4, 2005)

(Patron Prior to Substitute—Delegate Hurt)

A BILL to amend and reenact § 18.2-434 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 8.01 a section numbered 8.01-4.3, relating to declarations under penalty of perjury; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-434 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 8.01 a section numbered 8.01-4.3, as follows:

§ 8.01-4.3. Unsworn declarations under penalty of perjury; penalty.

If a matter in an official proceeding is required or permitted to be established by a sworn written declaration, verification, certificate, statement, oath, or affidavit, such matter may, with like force and effect, be evidenced, by the unsworn written declaration, certificate, verification, or statement, which is subscribed by the maker as true under penalty of perjury, and dated, in substantially the following form:

"I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct."

This section shall not apply to a deposition, an oath of office, or an oath required to be taken before a specified official other than a notary public.

§ 18.2-434. What deemed perjury; punishment and penalty.

If any person to whom an oath is lawfully administered on any occasion willfully ~~sweat~~ swears falsely on such occasion touching any material matter or thing, or if a person falsely make oath that any other person is ~~eighteen~~ 18 years of age or older in order to obtain a marriage license for such other person, or if any person in any written declaration, certificate, verification, or statement under penalty of perjury pursuant to § 8.01-4.3 willfully subscribes as true any material matter which he does not believe is true, he shall be is guilty of perjury, punishable as a Class 5 felony. Upon the conviction of any person for perjury, such person thereby shall be adjudged forever incapable of holding any office of honor, profit or trust under the Constitution of Virginia, or of serving as a juror.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

HOUSE SUBSTITUTE

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