

1 FALSE STATEMENTS AT PRELIMINARY

2 EXAMINATIONS

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 Sponsor: A. Lamont Tyler

6 AN ACT RELATING TO THE CRIMINAL CODE; PROVIDING FOR THE OFFENSE OF
7 PROVIDING A FALSE STATEMENT THAT MAY BE USED IN A PRELIMINARY
8 HEARING; AND PROVIDING A PENALTY.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 ENACTS:

11 76-8-504.5, Utah Code Annotated 1953

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section 76-8-504.5 is enacted to read:

14 **76-8-504.5. False statements -- Preliminary hearing.**

15 (1) A person is guilty of a class ~~h~~ **A** ~~h~~ misdemeanor if the person makes a false
15a statement:

16 (a) which the person does not believe to be true; ~~h~~ **and**

16a (b) ~~§ THAT § THE PERSON HAS REASON TO BELIEVE § [THAT THE STATEMENT] § WILL BE USED IN A~~
16b **PRELIMINARY HEARING; AND ~~h~~**

17 ~~h~~ **(b) (c) h** ~~§ [prior to making the statement the person is] AFTER HAVING BEEN~~ § notified either
17a verbally or in writing

17b that:

18 (i) the statement may be used in a preliminary hearing before a magistrate or a judge; and

19 (ii) if the person makes a false statement after having received this notification, he is
20 subject to a criminal penalty.

21 (2) Notification under Subsection (1) is sufficient if it is verbal or written and is in
22 substantially the following form: "You are notified that statements you are about to make may be
23 presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination.
24 Any false statement you make and that you do not believe to be true may subject you to criminal
25 punishment as a class ~~h~~ **A** ~~h~~ misdemeanor."

H.B. 210

01-07-99 9:08 AM

**Legislative Review Note
as of 12-30-98 7:38 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel