

**FALSE STATEMENTS AT PRELIMINARY EXAMINATIONS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: A. Lamont Tyler**

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

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

ENACTS:

**76-8-504.5**, Utah Code Annotated 1953

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

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

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

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

(a) which the person does not believe to be true;

(b) that the person has reason to believe will be used in a preliminary hearing; and

(c) after having been notified either verbally or in writing that:

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

(ii) if the person makes a false statement after having received this notification, he is

subject to a criminal penalty.

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