

PERJURY

Lying under oath can put you in prison!

Perjury is a serious crime and an affront to the justice system. *If you are accused of perjury – to willfully and knowingly lie after taking an oath to tell the truth, or signing a document that you know contains false assertions – you could be convicted and serve up to 4 years in prison and ordered to pay thousands of dollars in heavy fines.*

California Perjury Law

Perjury is a felony in California. California Perjury laws penalize anyone who willfully or knowingly makes false statements while under oath. Perjury is not just lying in court. It could be lying under oath in a civil deposition or a written affidavit or declaration. It is also a crime to procure or influence another person to commit perjury, commonly referred to as Subornation of Perjury. To convict for Subordination of Perjury the person procured must have actually perjured himself or herself.

California Penal Code Section 118 defines Perjury as:

“Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury.”

Some examples of perjury:

- To lie while answering a question when testifying as a witness during a trial.
- To claim to make less money per year than you actually make while completing a sworn affidavit during divorce proceedings in court. (An affidavit is a written declaration or testimony made under oath before someone authorized to administer oaths. Usually it is the statement of a witness for court proceedings.)
- To make two statements that contradict each other during a court proceeding, but not admit that one of those statements is false.
- To lie on a driver's license application.
- To make a false statement on a loan application signed under penalty of perjury

The prosecutor must prove the following elements to obtain a conviction:

- That you knowingly gave a false answer to a question after taking an oath that you would tell the truth in court,
- That you signed a sworn statement as being true when you knew it contained false information,
- That you reasonably understood what was meant by the person asking the question while you were under oath,
- That your statement was false at the time you made it,
- That you willfully and knowingly made a statement that contained a false material fact or concealed a material fact. (Yes, a person may be charged with perjury for hiding facts)!

Perjury Penalties

The penalties for a perjury conviction vary from no jail time to 4 years in prison. First-time offenders with no prior criminal history may be looking at zero days in jail, formal probation, fines, community service and restitution. There are other external factors that come into play such as the judge, the prosecutor and the victim. A **perjury conviction** may impact your ability to obtain gainful employment, career advancement, and denial of certain business or real estate loans.