

LEXSTAT 18 U.S.C. § 1621

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*** CURRENT THROUGH P.L. 108-10, APPROVED 3/11/03 ***

TITLE 18. CRIMES AND CRIMINAL PROCEDURE

PART I. CRIMES

CHAPTER 79. PERJURY

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

18 USCS § 1621 (2003)

§ 1621. Perjury generally

Whoever—

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

HISTORY: (June 25, 1948, ch 645, § 1, 62 Stat. 773; Oct. 3, 1964, P.L. 88-619, § 1, 78 Stat. 995; Oct. 18, 1976, P.L. 94-550, § 2, 90 Stat. 2534.)

(As amended Sept. 13, 1994, P.L. 103-322, Title XXXIII, § 330016(1)(I), 108 Stat. 2147.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Prior law and revision:

This section is based on Act March 4, 1909, ch 321, § 125, 35 Stat. 1111; June 15, 1917, ch 30, Title XI, § 19, 40 Stat. 230 (former 18 U.S.C. §§ 231 and 629).

The words "except as otherwise expressly provided by law" were inserted to avoid conflict with perjury provisions in other titles where the punishment and application vary.

More than 25 additional provisions are in the code. For construction and application of several sections see *Behrle v. U. S.*, 69 AppDC 304, 100 F(2d) 714, *U. S. v. Hammer*, (DC-NY), 299 Fed 1011, *aff'd* 6 F(2d) 786, *Rosenthal v. U. S.*, (CCA 8), 248 Fed 684, compare *Epstein v. U. S.*, (CCA 7), 196 Fed 354, certiorari denied, 223 US 731, 56 LEd 634, 32 SCR 527.

Mandatory punishment provisions were rephrased in the alternative because the court has this discretion by making use of its power to suspend sentence under 18 USCS § 3651.

Minor verbal changes were made.

Amendments:

1964. Act Oct. 3, 1964, inserted "This section is applicable whether the statement or subscription is made within or without the United States."

1976. Act Oct. 18, 1976, substituted this section for one which read:

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"Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States."

1994. Act Sept. 13, 1994, in the concluding matter, substituted "under this title" for "not more than \$2,000".