

SHORT TITLE: Perjury; creating civil cause of action for perjury and perjury by subornation in certain proceedings. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1202

By: Smith

AS INTRODUCED

An Act relating to perjury; creating civil cause of action for perjury and perjury by subornation in certain proceedings; requiring establishment of certain burden of proof; authorizing certain damages; limiting time for bringing certain action; providing for attorneys fees and court costs; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4.1 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. Perjury and perjury by subornation in any domestic relations proceeding shall give rise to a civil remedy whether or not a criminal prosecution has been filed. Any party against whom one or more false material statements have been made by another person in any domestic relations proceeding, may bring a separate civil action against the person making the false material statement or statements. If the plaintiff establishes by a preponderance of the evidence that the defendant knowingly made a false, material statement against the plaintiff, the plaintiff shall be entitled to a judgment for actual damages, including any consequential damages, for each false material statement.

B. A civil action for such offense can only be brought within two (2) years from the date of discovery of actual proof that the false material statement or statements were made.

C. The prevailing party in any action brought pursuant to this section shall be allowed a reasonable attorney fee and court costs.

SECTION 2. This act shall become effective November 1, 1998.

46-2-2472

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