

# C.R.S. 18-8-503

## Copy Citation

Statutes current through Chapter 220 of the 2021 Regular Session and effective as of June 10, 2021. The inclusion of the 2021 legislation is not final. It will be final later in 2021 after reconciliation with the official statutes, produced by the Colorado Office of Legislative Legal Services.

- [Colorado Revised Statutes Annotated](#)
- [Title 18. Criminal Code \(Arts. 1 — 26\)](#)
- [Article 8. Offenses - Governmental Operations \(Pts. 1 — 8\)](#)
- [Part 5. Perjury and Related Offenses \(§§ 18-8-501 — 18-8-509\)](#)

## Notice

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 This section has more than one version with varying effective dates.

## 18-8-503. Perjury in the second degree

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(1) A person commits perjury in the second degree if, other than in an official proceeding, with an intent to mislead a public servant in the performance of his duty, he makes a materially false statement, which he does not believe to be true, under an oath required or authorized by law.  
(2) Perjury in the second degree is a class 1 misdemeanor.

## History

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**Source:** L. 71: R&RE, p. 463, § 1. C.R.S. 1963: § 40-8-503.

### ▼ Annotations

### State Notes

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## ANNOTATION

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**Annotator's note.** Since § 18-8-503 is similar to former § 40-7-1, C.R.S. 1963, a relevant case construing that provision has been included in the annotations to this section.

**To make a valid oath**, for the falsity of which perjury will lie, there must be in some form, in the presence of an officer authorized to administer it, an unequivocal and present act by which the affiant consciously takes upon himself the obligation of an oath. *Rogers v. People*, 161 Colo. 317, 422 P.2d 377.

**No presumption of oath-taking is held to apply where the notary's testimony was equivocal** on the issue of whether the oath was taken. *Rogers v. People*, 161 Colo. 317, 422 P.2d 377 (1966).

**Independent proof required where presumption fails.** Although in some cases a criminal conviction may be had upon a bare presumption, the presumption so allowed must fall where there is some evidence to counter the notion that the oath was actually taken. The courts then require independent proof of the actual oath-taking. *Rogers v. People*, 161 Colo. 317, 422 P.2d 377 (1966).

**Written versus oral statements.** The difference between first- and second-degree perjury does not turn on whether a statement is written versus oral, but rather upon whether a false statement made under oath occurs in an "official proceeding." *People v. Chaussee*, 847 P.2d 156 (Colo. App. 1992), *aff'd in part and rev'd in part on other grounds*, *People v. Chaussee*, 880 P.2d 749 (Colo. 1994).

### **Applied in**

*People v. Francois*, 198 Colo. 249, 598 P.2d 144 (1979).