

### **523.010 Definitions.**

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Material false statement" means any false statement, regardless of its admissibility under the rules of evidence which could have affected the outcome of the proceeding. Whether a falsification is material in a given factual situation is a question of law.
- (2) "Oath" means an affirmation or other legally authorized manner of attesting to the truth of a statement. A written statement shall be treated as if made under oath when:
  - (a) The statement was made on or pursuant to a form bearing notice, authorized by law, that false statements made therein are punishable; or
  - (b)
    1. The document recites that the statement was made under oath, and
    2.
      - a. The declarant was aware of such recitation at the time he made the statement;
      - b. The declarant intended that the statement be represented as sworn; and
      - c. The statement was in fact so represented by its delivery or utterance with the signed jurat of an officer, authorized to administer oaths appended thereto.
- (3) "Official proceeding" means a proceeding heard before any legislative, judicial, administrative or other governmental agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony or depositions in any such proceedings.
- (4) "Required or authorized by law" means the oath is provided for by statute, regulation, court rule, or otherwise by law.
- (5) "Statement" means any representation, but includes a representation of opinion, belief or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.
- (6) "Public servant" means:
  - (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state; or
  - (b) Any person exercising the functions of any such public officer or employee; or
  - (c) Any person participating as advisor, consultant or otherwise in performing a governmental function, but not including witnesses; or
  - (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position.

**Effective:** January 1, 1975

**History:** Created 1974 Ky. Acts ch. 406, sec. 190, effective January 1, 1975.

**Legislative Research Commission Note** (12/12/94). To make its numbering consistent with standard practice, subsection (2) of this statute has been renumbered under the authority of KRS 7.136(1)(a).