

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 776 Session of

INTRODUCED BY FUMO, SMITH, LYNCH AND HANKINS, MAY 22, 1979

SENATOR O'PAKE, JUDICIARY, AS AMENDED, SEPTEMBER 17, 1979

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, authorizing the striking
3 of a judgment based on false testimony.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42, act of November 25, 1970 (P.L.707,
7 No.230), known as the Pennsylvania Consolidated Statutes, is
8 amended by adding a section to read:

9 § 8105. Striking judgment based on false swearing.

10 A judgment based on false testimony shall not be enforced and
11 shall be stricken from the record IF THE TESTIMONY WAS: <—

12 (1) MATERIAL TO THE ISSUE OR POINT OF INQUIRY;

13 (2) INTENTIONALLY OR KNOWINGLY GIVEN;

14 (3) THE FACT OF THE FALSITY OF THE TESTIMONY COULD NOT
15 HAVE BEEN DISCOVERED BY REASONABLE DILIGENCE AT OR BEFORE THE
16 TRIAL; AND

17 (4) THE REMEDY OF THIS SECTION WAS SOUGHT WITHIN A
18 REASONABLE TIME OF THE DISCOVERY OF THE FALSITY OF THE
19 TESTIMONY.

1 SECTION 2. THIS ACT SHALL APPLY TO ALL JUDGMENTS NOT
2 SATISFIED AT THE TIME OF THE EFFECTIVE DATE OF THIS ACT.
3 Section ~~2-~~ 3. This act shall take effect immediately.

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