

APPENDIX B

State of New Hampshire Revised Statutes Chapter 641: Falsification in Official Matters

Section 641:1 Perjury

Section 641:2 False Swearing

Section 641:3 Unsworn Falsification

Section 641:4 False Reports to Law Enforcement

Section 641:5 Tampering With Witnesses and Informants

Section 641:6 Falsifying Physical Evidence

Section 641:7 Tampering With Public Records or Information

Section 641:8 False Filing With the Director of Charitable Trusts.

TITLE LXII
CRIMINAL CODE
CHAPTER 641-
FALSIFICATION IN OFFICIAL MATTERS

641:1 Perjury.

I. A person is guilty of a class B felony if in any official proceeding:

- (a) He makes a false material statement under oath or affirmation, or swears or affirms the truth of a material statement previously made, and he does not believe the statement to be true; or
- (b) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

II. "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental body or official authorized by law to take evidence under oath or affirmation including a notary or other person taking evidence in connection with any such proceeding. "Material" means capable of affecting the course or outcome of the proceeding. A statement is not material if it is retracted in the course of the official proceeding in which it was made before it became manifest that the falsification was or would be exposed and before it substantially affected the proceeding. Whether a statement is material is a question of law to be determined by the court.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII
CRIMINAL CODE
CHAPTER 641-
FALSIFICATION IN OFFICIAL MATTERS

641:2 False Swearing.

A person is guilty of a misdemeanor if:

I. He makes a false statement under oath or affirmation or swears or affirms the truth of such a statement previously made and he does not believe the statement to be true if:

- (a) The falsification occurs in an official proceeding, as defined in RSA 641:1, II, or is made with a purpose to mislead a public servant in performing his official function; or
- (b) The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or

II. He makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

III. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII
CRIMINAL CODE
CHAPTER 641-
FALSIFICATION IN OFFICIAL MATTERS

641:3 Unsworn Falsification.

A person is guilty of a misdemeanor if:

- I. He or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or
- II. With a purpose to deceive a public servant in the performance of his or her official function, he or she:
 - (a) Makes any written or electronic false statement which he or she does not believe to be true; or
 - (b) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or
 - (c) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or
 - (d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.
- III. No person shall be guilty under this section if he or she retracts the falsification before it becomes manifest that the falsification was or would be exposed.

Source. 1971, 518:1, eff. Nov. 1, 1973. 2003, 158:2, eff. June 17, 2003.

TITLE LXII
CRIMINAL CODE
CHAPTER 641-
FALSIFICATION IN OFFICIAL MATTERS

641:4 False Reports to Law Enforcement.

A person is guilty of a misdemeanor if he:

- I. Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or
- II. Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, or the danger from an explosive or other dangerous substance, knowing that the offense or danger did not occur or exist or knowing that he has no information relating to the offense or danger.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII
CRIMINAL CODE
CHAPTER 641-
FALSIFICATION IN OFFICIAL MATTERS

641:5 Tampering With Witnesses and Informants.

A person is guilty of a class B felony if:

I. Believing that an official proceeding, as defined in RSA 641:1, II, or investigation is pending or about to be instituted, he attempts to induce or otherwise cause a person to:

- (a) Testify or inform falsely; or
- (b) Withhold any testimony, information, document or thing; or
- (c) Elude legal process summoning him to provide evidence; or
- (d) Absent himself from any proceeding or investigation to which he has been summoned; or

II. He commits any unlawful act in retaliation for anything done by another in his capacity as witness or informant; or

III. He solicits, accepts or agrees to accept any benefit in consideration of his doing any of the things specified in paragraph I.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII
CRIMINAL CODE
CHAPTER 641-
FALSIFICATION IN OFFICIAL MATTERS

641:6 Falsifying Physical Evidence.

A person commits a class B felony if, believing that an official proceeding, as defined in RSA 641:1, II, or investigation is pending or about to be instituted, he:

I. Alters, destroys, conceals or removes any thing with a purpose to impair its verity or availability in such proceeding or investigation; or

II. Makes, presents or uses any thing which he knows to be false with a purpose to deceive a public servant who is or may be engaged in such proceeding or investigation.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII
CRIMINAL CODE
CHAPTER 641-
FALSIFICATION IN OFFICIAL MATTERS

641:7 Tampering With Public Records or Information.

A person is guilty of a misdemeanor if he:

- I. Knowingly makes a false entry in or false alteration of any thing belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government; or
- II. Presents or uses any thing knowing it to be false, and with a purpose that it be taken as a genuine part of information or records referred to in paragraph I; or
- III. Purposely and unlawfully destroys, conceals, removes or otherwise impairs the verity or availability of any such thing.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII
CRIMINAL CODE
CHAPTER 641-
FALSIFICATION IN OFFICIAL MATTERS

641:8 False Filing With the Director of Charitable Trusts.

A person shall be guilty of a class B felony if he knowingly makes a false entry in or false alteration of any registration statement, annual report or other information required to be filed with the director of charitable trusts.

Source. 1992, 239:3, eff. July 1, 1992.