

committed theft? No, because I cannot steal that which belongs to me even if I think that I'm stealing. So what my amendment says is that we're going to strike this part about believes and require that a person know that something in the affidavit is false or in the alternative if you're going to have believes something to be false, you should add, and in fact it is false. But if a person swears to the truth of a statement and everything in that statement is true but the person thinks it's false, the person should not be guilty of a crime. That's why I wanted to find out whoever drafted this amendment to see if they want to punish a state of mind rather than an actual reality. If you agree with what I'm trying to do you'll vote for this amendment. Oh, here's Senator Ashford, I can ask him a question. Now see I don't know whether Senator Ashford just stole from Senator Hall's desk or not. Maybe Senator Hall said that they can have that, whatever it was he took. But, Senator Ashford, what my amendment says is that we should eliminate the words "or believes" on page 6, line 16, and it has to do with an affidavit. The way the language reads now if a person swears to an affidavit but believes that something in it is false, whether it's false or not, the person is guilty of a misdemeanor. Do you believe the person should have to know that something in it is false to be guilty, or simply believe it?

SENATOR ASHFORD: No, he has to know it.

SENATOR CHAMBERS: All right. Now let me ask a second question that might be asking the same thing in another way. If a person believes that something in the affidavit is false but it, in fact, is not false, can you say that that person falsely swore? Is everything in the affidavit is true but the person signing it thinks it's false, and what the person has said when they sign it is, what is in this affidavit is true and, in fact, it is true, but the person signing it thinks it's false.

SENATOR ASHFORD: How do you establish he thinks it's false? He thinks it's false.

SENATOR CHAMBERS: That's what I don't know, so I want to eliminate those two words, "or believes" and require the person to know that they are false swearing.

SENATOR ASHFORD: Why I think that's accurate.

SENATOR CHAMBERS: Thank you. When you have Senator Ashford and