

523.050 Inconsistent statements.

- (1) When a person has made inconsistent statements under oath, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single charge alleging in the alternative that one (1) or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one (1) or the other was false and not believed by the defendant to be true.
- (2) The highest offense of which a person may be convicted in such an instance shall be determined by hypothetically assuming each statement to be false. If perjury of different degrees would be established by the making of the two (2) statements, the person may only be convicted of the lesser degree. If perjury or false swearing would be established by the making of the two (2) statements, the person may only be convicted of false swearing.

Effective: January 1, 1975

History: Created 1974 Ky. Acts ch. 406, sec. 194, effective January 1, 1975.