

D R A F T

SUMMARY

Adopts Uniform Unsworn Foreign Declarations Act.
Imposes criminal penalties for making false unsworn declarations.

A BILL FOR AN ACT

1
2 Relating to unsworn foreign declarations; creating new provisions; and
3 amending ORS 162.055, 162.065 and 162.075.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Short title. Sections 1 to 8 of this 2013 Act may be cited**
6 **as the Uniform Unsworn Foreign Declarations Act.**

7 **SECTION 2. Definitions. As used in sections 1 to 8 of this 2013 Act:**

8 (1) **“Boundaries of the United States” means the geographic**
9 **boundaries of the United States, Puerto Rico, the United States Virgin**
10 **Islands and any territory or insular possession subject to the jurisdic-**
11 **tion of the United States.**

12 (2) **“Law” includes the federal or a state Constitution, a federal or**
13 **state statute, a judicial decision or order, a rule of court, an executive**
14 **order and an administrative rule, regulation or order.**

15 (3) **“Record” means information that is inscribed on a tangible me-**
16 **dium or that is stored in an electronic or other medium and is re-**
17 **trievable in perceivable form.**

18 (4) **“Sign” means, with present intent to authenticate or adopt a**
19 **record:**

20 (a) **To execute or adopt a tangible symbol; or**

21 (b) **To attach to or logically associate with the record an electronic**

1 symbol, sound or process.

2 (5) "State" means a state of the United States, the District of
3 Columbia, Puerto Rico, the United States Virgin Islands or any terri-
4 tory or insular possession subject to the jurisdiction of the United
5 States.

6 (6) "Sworn declaration" means a declaration in a signed record
7 given under oath. "Sworn declaration" includes a sworn statement,
8 verification, certificate and affidavit.

9 (7) "Unsworn declaration" means a declaration in a signed record
10 that is not given under oath, but is given under penalty of perjury.

11 **SECTION 3. Applicability.** (1) Sections 1 to 8 of this 2013 Act apply
12 to an unsworn declaration by a declarant who at the time of making
13 the declaration is physically located outside the boundaries of the
14 United States whether or not the location is subject to the jurisdiction
15 of the United States.

16 (2) Sections 1 to 8 of this 2013 Act do not apply to a declaration by
17 a declarant who is physically located on property that is within the
18 boundaries of the United States and subject to the jurisdiction of an-
19 other country or a federally recognized Indian tribe.

20 **SECTION 4. Validity of unsworn declaration.** (1) Except as other-
21 wise provided in subsection (2) of this section, if a law of this state
22 requires or permits use of a sworn declaration, an unsworn declaration
23 meeting the requirements of sections 1 to 8 of this 2013 Act has the
24 same effect as a sworn declaration.

25 (2) Sections 1 to 8 of this 2013 Act do not apply to:

26 (a) A deposition;

27 (b) An oath of office;

28 (c) An oath required to be given before a specified official other
29 than a notary public;

30 (d) A declaration to be recorded pursuant to the recording laws of
31 this state, including but not limited to ORS 205.130 and ORS chapters

1 **92, 93, 94, 100 and 105; or**

2 **(e) An oath required by ORS 113.055 (1).**

3 **SECTION 5. Required medium. If a law of this state requires that**
4 **a sworn declaration be presented in a particular medium, an unsworn**
5 **declaration must be presented in that medium.**

6 **SECTION 6. Form of unsworn declaration. An unsworn declaration**
7 **under sections 1 to 8 of this 2013 Act must be in substantially the fol-**
8 **lowing form:**

9 _____
10 **I declare under penalty of perjury under the law of Oregon that the**
11 **foregoing is true and correct, and that I am physically located outside**
12 **the geographic boundaries of the United States, Puerto Rico, the**
13 **United States Virgin Islands and any territory or insular possession**
14 **subject to the jurisdiction of the United States.**

15
16 **Executed on the ____ day of _____, _____, at _____,**
17 **(date) (month) (year) (city or other location, and state)**

18 _____
19 **(country)**

20 _____
21 **(printed name)**

22 _____
23 **(signature)**

24 _____
25 **SECTION 7. Uniformity of application and construction. In applying**
26 **and construing sections 1 to 8 of this 2013 Act, consideration must be**
27 **given to the need to promote uniformity of the law with respect to its**
28 **subject matter among the states that enact it.**

29 **SECTION 8. Relation to Electronic Signatures in Global and Na-**
30 **tional Commerce Act. Sections 1 to 8 of this 2013 Act modify, limit and**
31 **supersede the federal Electronic Signatures in Global and National**

1 **Commerce Act, 15 U.S.C. 7001, et seq., but do not modify, limit or su-**
2 **persede 15 U.S.C. 7001(c) or authorize electronic delivery of any of the**
3 **notices described in 15 U.S.C. 7003(b).**

4 **SECTION 9.** ORS 162.055 is amended to read:

5 162.055. As used in ORS 162.055 to 162.425 and 162.465, unless the context
6 requires otherwise:

7 (1) “Benefit” means gain or advantage to the beneficiary or to a third
8 person pursuant to the desire or consent of the beneficiary.

9 (2) “Material” means that which could have affected the course or out-
10 come of any proceeding or transaction. Whether a false statement is “mate-
11 rial” in a given factual situation is a question of law.

12 (3) “Statement” means any representation of fact and includes a repre-
13 sentation of opinion, belief or other state of mind where the representation
14 clearly relates to state of mind apart from or in addition to any facts which
15 are the subject of the representation.

16 (4) “Sworn statement” means any statement that attests to the truth of
17 what is stated and that is knowingly given under any form of oath or affir-
18 mation or by declaration under penalty of perjury as described in ORCP 1
19 E.

20 (5) **“Unsworn declaration” has the meaning given that term in sec-**
21 **tion 2 of this 2013 Act.**

22 **SECTION 10.** ORS 162.065 is amended to read:

23 162.065. (1) A person commits the crime of perjury if the person makes a
24 false sworn statement **or a false unsworn declaration** in regard to a ma-
25 terial issue, knowing it to be false.

26 (2) Perjury is a Class C felony.

27 **SECTION 11.** ORS 162.075 is amended to read:

28 162.075. (1) A person commits the crime of false swearing if the person
29 makes a false sworn statement **or a false unsworn declaration**, knowing
30 it to be false.

31 (2) False swearing is a Class A misdemeanor.

1 **SECTION 12.** The section captions used in this 2013 Act are provided
2 only for the convenience of the reader and do not become part of the
3 statutory law of this state or express any legislative intent in the
4 enactment of this 2013 Act.

5 **SECTION 13.** Sections 1 to 8 of this 2013 Act and the amendments
6 to ORS 162.055, 162.065 and 162.075 by sections 9 to 11 of this 2013 Act
7 apply to unsworn declarations made on or after the effective date of
8 this 2013 Act.

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