

A-Engrossed
House Bill 2833

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by COMMITTEE ON JUDICIARY (at the request of Oregon Law Commission)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Adopts Uniform Unsworn Foreign Declarations Act.
Specifies that unsworn foreign declaration may be used in lieu of declaration under penalty of perjury described in ORCP 1 E.
Imposes criminal penalties for making false unsworn declarations.

A BILL FOR AN ACT

1
2 Relating to unsworn foreign declarations; creating new provisions; and amending ORS 18.887, 45.010,
3 45.130, 111.205, 116.083, 116.253, 125.325, 136.583, 162.055, 162.065 and 162.075 and ORCP 1 E.

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 as the Uniform**
6 **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 boundaries of the United
9 States, Puerto Rico, the United States Virgin Islands and any territory or insular possession
10 subject to the jurisdiction of the United States.

11 (2) "Law" includes the federal or a state Constitution, a federal or state statute, a judi-
12 cial decision or order, a rule of court, an executive order and an administrative rule, regu-
13 lation or order.

14 (3) "Record" means information that is inscribed on a tangible medium or that is stored
15 in an electronic or other medium and is retrievable in perceivable form.

16 (4) "Sign" means, with present intent to authenticate or adopt a record:

17 (a) To execute or adopt a tangible symbol; or

18 (b) To attach to or logically associate with the record an electronic symbol, sound or
19 process.

20 (5) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
21 United States Virgin Islands or any territory or insular possession subject to the jurisdiction
22 of the United States.

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

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

27 **SECTION 3. Applicability. (1) Sections 1 to 8 of this 2013 Act apply to an unsworn decla-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 ration by a declarant who at the time of making the declaration is physically located outside
2 the boundaries of the United States whether or not the location is subject to the jurisdiction
3 of the United States.

4 (2) Sections 1 to 8 of this 2013 Act do not apply to a declaration by a declarant who is
5 physically located on property that is within the boundaries of the United States and subject
6 to the jurisdiction of another country or a federally recognized Indian tribe.

7 **SECTION 4. Validity of unsworn declaration.** (1) Except as otherwise provided in sub-
8 section (2) of this section, if a law of this state requires or permits use of a sworn declara-
9 tion, an unsworn declaration meeting the requirements of sections 1 to 8 of this 2013 Act
10 has the same effect as a sworn declaration.

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

12 (a) A deposition;

13 (b) An oath of office;

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

15 (d) A declaration to be recorded pursuant to the recording laws of this state, including
16 but not limited to ORS 205.130 and ORS chapters 92, 93, 94, 100 and 105; or

17 (e) An oath required by ORS 113.055 (1).

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

21 **SECTION 6. Form of unsworn declaration.** An unsworn declaration under sections 1 to
22 8 of this 2013 Act must be in substantially the following form:

23 _____
24
25 I declare under penalty of perjury under the law of Oregon that the foregoing is true and
26 correct, and that I am physically located outside the geographic boundaries of the United
27 States, Puerto Rico, the United States Virgin Islands and any territory or insular possession
28 subject to the jurisdiction of the United States.

29
30 Executed on the ____ day of _____, _____, at _____, (date) (month)
31 (year) (city or other location, and state)

32 _____
33 (country)

34 _____
35 (printed name)

36 _____
37 (signature)

38 _____
39
40 **SECTION 7. Uniformity of application and construction.** In applying and construing
41 sections 1 to 8 of this 2013 Act, consideration must be given to the need to promote uni-
42 formity of the law with respect to its subject matter among the states that enact it.

43 **SECTION 8. Relation to Electronic Signatures in Global and National Commerce Act.**
44 Sections 1 to 8 of this 2013 Act modify, limit and supersede the federal Electronic Signatures
45 in Global and National Commerce Act, 15 U.S.C. 7001, et seq., but do not modify, limit or

1 **supersede 15 U.S.C. 7001(c) or authorize electronic delivery of any of the notices described**
2 **in 15 U.S.C. 7003(b).**

3 **SECTION 9.** ORCP 1 E is amended to read:

4 E Use of declaration under penalty of perjury in lieu of affidavit; “declaration” defined. A dec-
5 laration under penalty of perjury, **or an unsworn declaration under sections 1 to 8 of this 2013**
6 **Act, if the declarant is physically outside the boundaries of the United States,** may be used in
7 lieu of any affidavit required or allowed by these rules. A declaration under penalty of perjury may
8 be made without notice to adverse parties, must be signed by the declarant, and must include the
9 following sentence in prominent letters immediately above the signature of the declarant: “I hereby
10 declare that the above statement is true to the best of my knowledge and belief, and that I under-
11 stand it is made for use as evidence in court and is subject to penalty for perjury.” As used in these
12 rules, “declaration” means a declaration under penalty of perjury.

13 **SECTION 10.** ORS 18.887 is amended to read:

14 18.887. (1) A sheriff may forcibly enter a structure or other enclosure for the purpose of levying
15 on personal property only pursuant to an order issued by the court under this section.

16 (2) A judgment creditor may at any time file an ex parte motion requesting a court order di-
17 rected to a sheriff that authorizes the sheriff to use force to enter a structure or other enclosure
18 for the purpose of levying on personal property pursuant to a writ of execution. Except as provided
19 in ORS 18.255, the motion must be filed with the court in which the judgment was entered. The
20 motion must identify the specific structure or other enclosure to be entered and must contain a
21 declaration under penalty of perjury made in the manner described by ORCP 1 E, **or an unsworn**
22 **declaration made in the manner described in sections 1 to 8 of this 2013 Act, if the declarant**
23 **is physically outside the boundaries of the United States,** that reflects facts supporting the
24 judgment creditor’s good faith belief that personal property subject to a writ of execution is located
25 within the structure or other enclosure.

26 (3) An order issued under this section shall direct the sheriff to use all force reasonably neces-
27 sary to enter the structure or other enclosure and levy on personal property pursuant to a writ of
28 execution.

29 (4) A judgment creditor may deliver a copy of an order issued under this section to a sheriff
30 with a writ of execution, or at any time after a writ of execution is delivered to a sheriff. A sheriff
31 may rely on the copy of the order in entering a structure or other enclosure for the purpose of
32 levying on personal property pursuant to a writ of execution.

33 **SECTION 11.** ORS 45.010 is amended to read:

34 45.010. The testimony of a witness is taken by six modes:

35 (1) Affidavit.

36 (2) Deposition.

37 (3) Oral examination.

38 (4) Telephone examination under ORS 45.400.

39 (5) Examination before a grand jury by means of simultaneous television transmission under
40 ORS 132.320.

41 (6) Declaration under penalty of perjury, as described in ORCP 1 E, **or unsworn declaration**
42 **under sections 1 to 8 of this 2013 Act, if the declarant is physically outside the boundaries**
43 **of the United States.**

44 **SECTION 12.** ORS 45.130 is amended to read:

45 45.130. Whenever a provisional remedy has been allowed upon affidavit [or], **a declaration under**

1 penalty of perjury as described in ORCP 1 E **or an unsworn declaration under sections 1 to 8**
2 **of this 2013 Act, if the declarant is physically outside the boundaries of the United States**, the
3 party against whom it is allowed may serve upon the party by whom it was obtained a notice, re-
4 quiring the affiant or declarant to be produced for cross-examination before a named officer au-
5 thorized to administer oaths. Thereupon the party to whom the remedy was allowed shall lose the
6 benefit of the affidavit or declaration and all proceedings founded thereon, unless within eight days,
7 or such other time as the court or judge may direct, upon a previous notice to the adversary of at
8 least three days, the party produces the affiant or declarant for examination before the officer
9 mentioned in the notice, or some other of like authority, provided for in the order of the court or
10 judge. Upon production, the affiant or declarant may be examined by either party, but a party is not
11 obliged to make this production of an affiant or a declarant except within the county where the
12 provisional remedy was allowed.

13 **SECTION 13.** ORS 111.205 is amended to read:

14 111.205. No particular pleadings or forms thereof are required in the exercise of jurisdiction of
15 probate courts. The mode of procedure in the exercise of jurisdiction is in the nature of an action
16 not triable by right to a jury except as otherwise provided by statute. The proceedings shall be in
17 writing and upon the petition of a party in interest or the order of the court. All petitions, reports
18 and accounts in proceedings before a probate court must include a declaration under penalty of
19 perjury in the form required by ORCP 1 E, **or an unsworn declaration under sections 1 to 8 of**
20 **this 2013 Act, if the declarant is physically outside the boundaries of the United States**, made
21 by at least one of the persons making the petitions, reports and accounts or by the attorney for the
22 person, or in case of a corporation by its agent. The court exercises its powers by means of:

- 23 (1) A petition of a party in interest.
24 (2) A notice to a party.
25 (3) A subpoena to a witness.
26 (4) Orders and judgments.
27 (5) An execution or warrant to enforce its orders and judgments.

28 **SECTION 14.** ORS 116.083 is amended to read:

29 116.083. (1) A personal representative shall make and file in the estate proceeding an account
30 of the personal representative's administration:

31 (a) Unless the court orders otherwise, annually within 60 days after the anniversary date of the
32 personal representative's appointment.

33 (b) Within 30 days after the date of the personal representative's removal or resignation or the
34 revocation of the personal representative's letters.

35 (c) When the estate is ready for final settlement and distribution.

36 (d) At such other times as the court may order.

37 (2) Each account must include the following information:

38 (a) The period of time covered by the account.

39 (b) The total value of the property with which the personal representative is chargeable ac-
40 cording to the inventory, or, if there was a prior account, the amount of the balance of the prior
41 account.

42 (c) All money and property received during the period covered by the account.

43 (d) All disbursements made during the period covered by the account. Vouchers for disburse-
44 ments must accompany the account, unless otherwise provided by order or rule of the court, or un-
45 less the personal representative is a trust company that has complied with ORS 709.030, but that

1 personal representative shall:

2 (A) Maintain the vouchers for a period of not less than one year following the date on which
3 the order approving the final account is entered;

4 (B) Permit interested persons to inspect the vouchers and receive copies thereof at their own
5 expense at the place of business of the personal representative during the personal representative's
6 normal business hours at any time prior to the end of the one-year period following the date on
7 which the order approving the final account is entered; and

8 (C) Include in each annual account and in the final account a statement that the vouchers are
9 not filed with the account but are maintained by the personal representative and may be inspected
10 and copied as provided in subparagraph (B) of this paragraph.

11 (e) The money and property of the estate on hand.

12 (f) Such other information as the personal representative considers necessary to show the con-
13 dition of the affairs of the estate or as the court may require.

14 (g) A declaration under penalty of perjury in the form required by ORCP 1 E, **or an unsworn**
15 **declaration under sections 1 to 8 of this 2013 Act, if the declarant is physically outside the**
16 **boundaries of the United States.**

17 (3) When the estate is ready for final settlement and distribution, the account must also include:

18 (a) A statement that all Oregon income taxes, inheritance or estate taxes and personal property
19 taxes, if any, have been paid, or if not so paid, that payment of those taxes has been secured by
20 bond, deposit or otherwise, and that all required tax returns have been filed.

21 (b) A petition for a judgment authorizing the personal representative to distribute the estate to
22 the persons and in the portions specified therein.

23 (4) If the distributees consent thereto in writing and all creditors of the estate have been paid
24 in full other than creditors owed administrative expenses that require court approval, the personal
25 representative, in lieu of the final account otherwise required by this section, may file a statement
26 that includes the following:

27 (a) The period of time covered by the statement.

28 (b) A statement that all creditors have been paid in full other than creditors owed administra-
29 tive expenses that require court approval.

30 (c) The statement and petition referred to in subsection (3) of this section.

31 (d) A declaration under penalty of perjury in the form required by ORCP 1 E, **or an unsworn**
32 **declaration under sections 1 to 8 of this 2013 Act, if the declarant is physically outside the**
33 **boundaries of the United States.**

34 (5) Notice of time for filing objections to the statement described in subsection (4) of this section
35 is not required.

36 (6) The Chief Justice of the Supreme Court may by rule specify the form and contents of ac-
37 counts that must be filed by a personal representative.

38 **SECTION 15.** ORS 116.253 is amended to read:

39 116.253. (1) Within 10 years after the death of a decedent whose estate escheated in whole or
40 in part to the state, or within eight years after the entry of a judgment or order escheating property
41 of an estate to the state, a claim may be made for the property escheated, or the proceeds thereof,
42 by or on behalf of a person not having actual knowledge of the escheat or by or on behalf of a
43 person who at the time of the escheat was unable to prove entitlement to the escheated property.

44 (2) The claim shall be made by a petition filed with the Director of the Department of State
45 Lands. The claim is considered a contested case as provided in ORS 183.310 and there is the right

1 of judicial review as provided in ORS 183.480. The petition must include a declaration under penalty
2 of perjury in the form required by ORCP 1 E, **or an unsworn declaration under sections 1 to 8**
3 **of this 2013 Act, if the declarant is physically outside the boundaries of the United States,**
4 and shall state:

5 (a) The age and place of residence of the claimant by whom or on whose behalf the petition is
6 filed;

7 (b) That the claimant lawfully is entitled to the property or proceeds, briefly describing the
8 property or proceeds;

9 (c) That at the time the property escheated to the state the claimant had no knowledge or notice
10 thereof or was unable to prove entitlement to the escheated property and has subsequently acquired
11 new evidence of that entitlement;

12 (d) That the claimant claims the property or proceeds as an heir or devisee or as the personal
13 representative of the estate of an heir or devisee, setting forth the relationship, if any, of the
14 claimant to the decedent who at the time of death was the owner;

15 (e) That 10 years have not elapsed since the death of the decedent, or that eight years have not
16 elapsed since the entry of the judgment or order escheating the property to the state; and

17 (f) If the petition is not filed by the claimant, the status of the petitioner.

18 (3) If it is determined that the claimant is entitled to the property or the proceeds thereof, the
19 Director of the Department of State Lands shall deliver the property to the petitioner, subject to
20 and charged with any tax on the property and the costs and expenses of the state in connection
21 therewith.

22 (4) If the person whose property escheated or reverted to the state was at any time an inmate
23 of a state institution in Oregon for persons with mental illness or mental retardation, the reasonable
24 unpaid cost of the care and maintenance of the person while a ward of the institution, regardless
25 of when the cost was incurred, may be deducted from, or, if necessary, be offset in full against, the
26 amount of the escheated property. The reasonable unpaid cost of care and maintenance shall be
27 determined by:

28 (a) The Department of Human Services for patients of the Eastern Oregon Training Center; and

29 (b) The Oregon Health Authority for patients of the Blue Mountain Recovery Center and the
30 Oregon State Hospital.

31 (5) For the purposes of this section, the death of the decedent is presumed to have occurred on
32 the date shown in the decedent's death certificate or in any other similar document issued by the
33 jurisdiction in which the death occurred or issued by an agency of the federal government.

34 **SECTION 16.** ORS 125.325 is amended to read:

35 125.325. Within 30 days after each anniversary of appointment, a guardian for an adult protected
36 person shall file with the court a written report. The report must include a declaration under pen-
37 alty of perjury in the form required by ORCP 1 E, **or an unsworn declaration under sections 1**
38 **to 8 of this 2013 Act, if the declarant is physically outside the boundaries of the United**
39 **States.** Copies of the guardian's report must be given to those persons specified in ORS 125.060 (3).
40 The report shall be in substantially the following form:

41 _____

42
43 IN THE _____ COURT _____ COUNTY,
44 STATE OF OREGON
45 DEPARTMENT OF PROBATE

1 In the Matter of the) No. _____
 2 Guardianship of)
 3 _____,)
 4 (Name of protected)
 5 person))
 6 A Protected)
 7 Person.)

8 GUARDIAN'S REPORT

9 I am the guardian for the person named above, and I make the following report to the court as
10 required by law:

11 1. My name is _____.

12 2. My address and telephone number are:

13 _____

14 _____

15 Phone _____

16 3. The name, if applicable, and address of the place where the person now resides are:

17 _____

18 _____

19 4. The person is currently residing at the following type of facility or residence:

20 _____

21 5. The person is currently engaged in the following programs and activities and receiving the
22 following services (brief description):

23 _____

24 6. I was paid for providing the following items of lodging, food or other services to the person:

25 _____

26 _____

27 7. The name of the person primarily responsible for the care of the person at the person's place
28 of residence is:

29 _____

30 8. The name and address of any hospital or other institution where the person is now admitted
31 on a temporary or permanent basis are:

32 _____

33 _____

34 9. The person's physical condition is as follows (brief description):

35 _____

36 _____

37 10. The person's mental condition is as follows (brief description):

38 _____

39 _____

40 11. I made the following contacts with the person during the past year (brief description):

41 _____

42 12. I made the following major decisions on behalf of the person during the past year (brief de-
43 scription):

44 _____

45 13. I believe the guardianship should or should not continue because:

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14. At the time of my last report, I held the following amount of money on behalf of the person: \$_____. Since my last report, I received the following amount of money on behalf of the person: \$_____. I spent the following amount of money on behalf of the person: \$_____. I now hold the following amount of money on behalf of the person: \$_____.

15. A true copy of this report will be given to the person, any conservator for the person and any other person who has requested notice.

16. Since my last report:

(a) I have been convicted of the following crimes (not including traffic violations):

(b) I have filed for or received protection from creditors under the Federal Bankruptcy Code (yes or no): _____.

(c) I have had a professional or occupational license revoked or suspended (yes or no): _____.

(d) I have had my driver license revoked or suspended (yes or no): _____.

17. Since my last report, I have delegated the following powers over the protected person for the following periods of time (provide name of person powers delegated to):

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated this ____ day of _____, 2_____.

Guardian

SECTION 17. ORS 136.583 is amended to read:

136.583. (1) Notwithstanding ORS 136.557, 136.563, 136.565 or 136.567 and subject to ORS 136.580 (2), criminal process authorizing or commanding the seizure or production of papers, documents, records or other things may be issued to a recipient, regardless of whether the recipient or the papers, documents, records or things are located within this state, if:

(a) The criminal matter is triable in Oregon under ORS 131.205 to 131.235; and

(b) The exercise of jurisdiction over the recipient is not inconsistent with the Constitution of this state or the Constitution of the United States.

(2) Criminal process that authorizes or commands the seizure or production of papers, documents, records or other things from a recipient may be served by:

(a) Delivering a copy to the recipient personally; or

(b) Sending a copy by:

(A) Certified or registered mail, return receipt requested;

(B) Express mail; or

(C) Facsimile or electronic transmission, if the copy is sent in a manner that provides proof of delivery.

(3) When criminal process is served under subsection (2) of this section, the recipient shall provide the applicant, or if the process is described in ORS 136.447 or 136.580 (2), the court, with all of the papers, documents, records or other things described in the criminal process within 20 business days from the date the criminal process is received, unless:

1 (a) The court, for good cause shown, includes in the process a requirement for production within
2 a period of time that is less than 20 business days;

3 (b) The court, for good cause shown, extends the time for production to a period of time that is
4 more than 20 business days; or

5 (c) The applicant consents to a request from the recipient for additional time to comply with the
6 process.

7 (4) A recipient who seeks to quash or otherwise challenge the criminal process must seek relief
8 from the court that issued the process within the time required for production. The court shall hear
9 and decide the issue as soon as practicable. The consent of the applicant to additional time to
10 comply with the process under subsection (3)(c) of this section does not extend the date by which
11 a recipient must seek relief under this subsection.

12 (5) Criminal process issued under this section must contain a notice on the first page of the
13 document that indicates:

14 (a) That the process was issued under this section;

15 (b) The date before which the recipient must respond to the process; and

16 (c) That the deadline for seeking relief is not altered by the applicant's consent to additional
17 time to respond to the process.

18 (6) Upon order of the court or the written request of the applicant, the recipient of the process
19 shall verify the authenticity of the papers, documents, records or other things that the recipient
20 produces in response to the criminal process by providing an affidavit or declaration that includes
21 contact information for the custodian or other qualified person completing the document and attests
22 to the nature of the papers, documents, records or other things. An affidavit or declaration that
23 complies with this subsection may fulfill the requirements of ORS 40.460 (6), 40.505 and 132.320.

24 (7) A party that intends to offer a paper, document, record or other thing into evidence under
25 this section must file written notice of that intention with the court and must disclose the affidavit
26 or declaration sufficiently in advance of offering the paper, document, record or other thing into
27 evidence to provide the adverse party with an opportunity to challenge the affidavit or declaration
28 and to have that challenge determined without prejudice to the ability of the moving party to
29 produce the custodian or other qualified person at trial. A motion opposing admission of the paper,
30 document, record or other thing into evidence must be filed and determined by the court before trial
31 and with sufficient time to allow the party offering the paper, document, record or other thing, if
32 the motion is granted, to produce the custodian of the record or other qualified person at trial,
33 without creating a hardship on the party or the custodian or other qualified person.

34 (8) Failure by a party that receives notice under subsection (7) of this section to timely file a
35 motion opposing admission of the paper, document, record or other thing constitutes a waiver of
36 objection to the admission of the evidence on the basis of the insufficiency of the affidavit or dec-
37 laration unless the court finds good cause to grant relief from the waiver. If the court grants relief
38 from the waiver, the court shall order the trial continued upon the request of the proponent of the
39 evidence and allow the proponent sufficient time to arrange for the necessary witness to appear.

40 (9) A recipient of criminal process under this section or any individual that responds to the
41 process is immune from civil and criminal liability for complying with the process and for any failure
42 to provide notice of any disclosure to a person who is the subject of, or identified in, the disclosure.

43 (10) Nothing in this section limits the authority of a court to issue criminal process under any
44 other provision of law or prohibits a party from calling the custodian of the evidence or other
45 qualified person to testify regarding the evidence.

1 (11) As used in this section:

2 (a) "Applicant" means:

3 (A) A police officer or district attorney who applies for a search warrant or other court order
4 or seeks to issue a subpoena under this section; or

5 (B) A defense attorney who applies for a court order or seeks to issue a subpoena under this
6 section.

7 (b) "Criminal process" means a subpoena, search warrant or other court order.

8 (c) "Declaration" [*has the meaning given that term in*] **means a declaration under penalty of**
9 **perjury under ORCP 1 E or an unsworn declaration under sections 1 to 8 of this 2013 Act, if**
10 **the declarant is physically outside the boundaries of the United States.**

11 (d) "Defense attorney" means an attorney of record for a person charged with a crime who is
12 seeking the issuance of criminal process for the defense of the criminal case.

13 (e) "Recipient" means a business entity or nonprofit entity that has conducted business or en-
14 gaged in transactions occurring at least in part in this state.

15 **SECTION 18.** ORS 162.055 is amended to read:

16 162.055. As used in ORS 162.055 to 162.425 and 162.465, unless the context requires otherwise:

17 (1) "Benefit" means gain or advantage to the beneficiary or to a third person pursuant to the
18 desire or consent of the beneficiary.

19 (2) "Material" means that which could have affected the course or outcome of any proceeding
20 or transaction. Whether a false statement is "material" in a given factual situation is a question of
21 law.

22 (3) "Statement" means any representation of fact and includes a representation of opinion, belief
23 or other state of mind where the representation clearly relates to state of mind apart from or in
24 addition to any facts which are the subject of the representation.

25 (4) "Sworn statement" means any statement that attests to the truth of what is stated and that
26 is knowingly given under any form of oath or affirmation or by declaration under penalty of perjury
27 as described in ORCP 1 E.

28 **(5) "Unsworn declaration" has the meaning given that term in section 2 of this 2013 Act.**

29 **SECTION 19.** ORS 162.065 is amended to read:

30 162.065. (1) A person commits the crime of perjury if the person makes a false sworn statement
31 **or a false unsworn declaration** in regard to a material issue, knowing it to be false.

32 (2) Perjury is a Class C felony.

33 **SECTION 20.** ORS 162.075 is amended to read:

34 162.075. (1) A person commits the crime of false swearing if the person makes a false sworn
35 statement **or a false unsworn declaration**, knowing it to be false.

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

37 **SECTION 21.** **The section captions used in this 2013 Act are provided only for the con-**
38 **venience of the reader and do not become part of the statutory law of this state or express**
39 **any legislative intent in the enactment of this 2013 Act.**

40 **SECTION 22.** **Sections 1 to 8 of this 2013 Act and the amendments to ORS 18.887, 45.010,**
41 **45.130, 111.205, 116.083, 116.253, 125.325, 136.583, 162.055, 162.065 and 162.075 and ORCP 1 E by**
42 **sections 9 to 20 of this 2013 Act apply to unsworn declarations made on or after the effective**
43 **date of this 2013 Act.**

44