

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: SB 375
CARRIER: Sen. Gelser

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/02/15

Action: Do Pass.

Meeting Dates: 02/02

Senate

Yeas: 5 - Burdick, Gelser, Thatcher, Prozanski, Kruse

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WHAT THE MEASURE DOES:

Allows use of declaration under penalty of perjury in specified court procedures in lieu of affidavit. Includes small claim court claim forms, testimony submitted in violation proceedings, divorce and custody forms, juvenile guardianship reports, and restraining order forms. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Similarities and differences between affidavits and declarations under penalty of perjury
- Oregon's incremental approach to implementing use of declarations
- Modern trend toward use of declaration
- Use of declaration within e-Court system
- Areas of law affected by measure contain large number of self-represented litigants

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Rules of Civil Procedure outline the procedure for using a declaration under penalty of perjury. According to ORCP 1E, "[a] declaration under penalty of perjury may be made without notice to adverse parties, must be signed by the declarant, and must include the following sentence in prominent letters immediately above the signature of the declarant: "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.'" An affidavit is a written statement confirmed by oath or affirmation and is often notarized.

Senate Bill 375 allows particular court documents to be submitted with a declaration under penalty of perjury or an affidavit. These areas include small claims forms, written testimony submitted in the course of a violations proceeding, such as a contested traffic ticket, family law proceedings, filing of juvenile guardianship reports, and restraining order petitions, petitions for renewals, and proof of service.