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Testimony of Houston Putnam Lowry
Chair of the
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Senate Bill 708 An Act Adopting The Uniform Unsworn Foreign Declarations Act
Judiciary Committee
March 26, 2009

Senator McDonald, Representative Lawlor and members of Judiciary Committee, thank you for the opportunity to file written testimony in support of Senate Bill 708, An Act Adopting The Uniform Unsworn Foreign Declarations Act. My name is Houston Putnam Lowry¹. I am the chair of the International Law & Practice Section of the Connecticut Bar Association. The section supports enactment of this statute because it will promote international commerce.

The National Conference of Commissioners on Uniform State Laws adopted this act in July 2008. It has been introduced in the Colorado, Connecticut, New Mexico and Utah legislatures.

Statements often have to be given under oath. Within the United States, this is easily done by taking an oath before a notary public (or a commissioner of Superior Court within Connecticut). Outside the United States, this is more difficult. An Apostille under the Hague Convention Abolishing The Requirement Of Legalisation For Foreign Public Documents is required to prove the authority of the person administering the oath. This can be difficult to obtain and imposes unnecessary extra costs. While United States consular officials will administer oaths, increased security caused by the September 11 incidents often makes it difficult to get access to embassies and consulates.

This bill adopted the federal solution used in 28 U.S.C. §1746,² namely the insertion of a specific clause will allow a document to qualify as a sworn document. The text required under this bill is:

¹ A member of Brown & Welsh, P.C.

² § 1746. Unsworn declarations under penalty of perjury

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn

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

Executed on the (date) day of (month) , (year) , at
 (location)

It would be good practice to recite in the document that the signer is aware that intentionally making a false statement is a class D felony under Connecticut law.

Some courts have ruled the federal statute does not apply to state court proceedings. While a number of states have adopted analogues, Connecticut has not. This act will address the issue in a uniform manner.

For these reasons, the Connecticut Bar Association's Section of International Law requests the Judiciary Committee favorably report Senate Bill 708.

Thank you, again, for providing the opportunity to submit testimony in support of Senate Bill 708.

declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

- (1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".
- (2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".