



General Assembly

January Session, 2009

Committee Bill No. 708

LCO No. 3616

03616SB00708JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT ADOPTING THE UNIFORM UNSWORN FOREIGN
DECLARATIONS ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) Sections 1 to 8, inclusive,
2 of this act may be cited as the "Uniform Unsworn Foreign Declarations
3 Act".

4 Sec. 2. (NEW) (*Effective October 1, 2009*) As used in sections 1 to 8,
5 inclusive, of this act, and section 53a-156 of the general statutes, as
6 amended by this act:

7 (1) "Boundaries of the United States" means the geographic
8 boundaries of the United States, Puerto Rico, the United States Virgin
9 Islands, and any territory or insular possession subject to the
10 jurisdiction of the United States.

11 (2) "Law" includes the United States constitution or a state
12 constitution, a federal or state statute, a judicial decision or order, a
13 rule of court, an executive order, or an administrative rule, regulation,
14 or order.

15 (3) "Record" means information that is inscribed on a tangible
16 medium or that is stored in an electronic or other medium and is
17 retrievable 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
22 symbol, sound or process.

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

27 (6) "Sworn declaration" means a declaration in a signed record given
28 under oath. "Sworn declaration" includes a sworn statement,
29 verification, certificate or affidavit.

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

32 Sec. 3. (NEW) (*Effective October 1, 2009*) Sections 1 to 8, inclusive, of
33 this act, and section 53a-156 of the general statutes, as amended by this
34 act, apply to an unsworn declaration by a declarant who at the time of
35 making the declaration is physically located outside the boundaries of
36 the United States whether or not the location is subject to the
37 jurisdiction of the United States. Sections 1 to 8, inclusive, of this act,
38 and section 53a-156 of the general statutes, as amended by this act, do
39 not apply to a declaration by a declarant who is physically located on
40 property that is within the boundaries of the United States and subject
41 to the jurisdiction of another country or a federally recognized Indian
42 tribe.

43 Sec. 4. (NEW) (*Effective October 1, 2009*) If a law of this state requires

44 or permits use of a sworn declaration, an unsworn declaration meeting
45 the requirements of sections 1 to 8, inclusive, of this act has the same
46 effect as a sworn declaration.

47 Sec. 5. (NEW) (*Effective October 1, 2009*) If a law of this state requires
48 that a sworn declaration be presented in a particular medium, an
49 unsworn declaration must be presented in that medium.

50 Sec. 6. (NEW) (*Effective October 1, 2009*) An unsworn declaration
51 under sections 1 to 8, inclusive, of this act shall be in substantially the
52 following form:

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

58 Executed on this day of (month), (year),

59 at (city or other location, state), (country).

60 (printed name)

61 (signature)

62 Sec. 7. (NEW) (*Effective October 1, 2009*) In applying and construing
63 the provisions of sections 1 to 8, inclusive, of this act, and section 53a-
64 156 of the general statutes, as amended by this act, consideration shall
65 be given to the need to promote uniformity of the law with respect to
66 its subject matter among states that enact such uniform provisions.

67 Sec. 8. (NEW) (*Effective October 1, 2009*) Sections 1 to 8, inclusive, of
68 this act, and section 53a-156 of the general statutes, as amended by this
69 act, modify, limit and supersede the federal Electronic Signatures in
70 Global and National Commerce Act, 15 USC Section 7001, et seq.,

71 except that nothing in sections 1 to 8, inclusive, of this act, or section
72 53a-156 of the general statutes, as amended by this act, modifies, limits
73 or supersedes Section 101(c) of said act, 15 USC Section 7001(c), or
74 authorizes electronic delivery of any of the notices described in Section
75 103(b) of that act, 15 USC Section 7003(b).

76 Sec. 9. Section 53a-156 of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2009*):

78 (a) A person is guilty of perjury if, in any official proceeding, he
79 intentionally, under oath or in an unsworn declaration under section 1
80 to 8, inclusive, of this act, makes a false statement, swears, affirms or
81 testifies falsely, to a material statement which he does not believe to be
82 true.

83 (b) Perjury is a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	New section
Sec. 8	<i>October 1, 2009</i>	New section
Sec. 9	<i>October 1, 2009</i>	53a-156

Statement of Purpose:

To adopt the Uniform Unsworn Foreign Declarations Act to permit, in state court proceedings, unsworn declarations under penalty of perjury to be executed by witnesses physically located outside the United States in lieu of affidavits, verifications or other sworn court filings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HARRIS, 5th Dist.

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