

2011 -- H 5575

=====  
LC01575  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

-----  
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - UNIFORM UNSWORN  
FOREIGN DECLARATIONS ACT

Introduced By: Representatives Kennedy, and Corvese

Date Introduced: March 03, 2011

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 26.3

4 UNIFORM UNSWORN FOREIGN DECLARATIONS ACT

5 **42-26.3-1. Short title.** -- This chapter shall be known as the "Uniform Unsworn Foreign  
6 Declarations Act."

7 **42-26.3-2. Definitions.** -- As used in this chapter:

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" means the federal or a state constitution, a federal or state statute, a judicial  
12 decision or order, a rule of court, an executive order, and an administrative rule, regulation, or  
13 order.

14 (3) "Record" means information that is inscribed on a tangible medium or that is stored in  
15 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 (i) To execute or adopt a tangible symbol; or

18 (ii) To attach to or logically associate with the record an electronic symbol, sound, or

1 process.

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

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

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

9 **42-26.3-3. Applicability.** -- This chapter applies to an unsworn declaration by a declarant  
10 who at the time of making the declaration is physically located outside the boundaries of the  
11 United States whether or not the location is subject to the jurisdiction of the United States. This  
12 chapter does not apply to a declaration by a declarant who is physically located on property that is  
13 within the boundaries of the United States and subject to the jurisdiction of another country or a  
14 federally recognized Indian tribe.

15 **42-26.3-4. Validity of unsworn declaration.** -- (a) Except as otherwise provided in  
16 subsection (b), if a law of this state requires or permits use of a sworn declaration, an unsworn  
17 declaration meeting the requirements of this chapter has the same effect as a sworn declaration.

18 (b) This chapter does not apply to:

19 (1) A deposition;

20 (2) An oath of office;

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

22 (4) A declaration to be recorded pursuant to chapter 5-20-8; or

23 (5) An oath required by chapter 33-7.

24 **42-26.3-5. Required medium.** -- If a law of this state requires that a sworn declaration be  
25 presented in a particular medium, an unsworn declaration must be presented in that medium.

26 **42-26.3-6. Form of unsworn declaration.** -- An unsworn declaration under this chapter  
27 must be in substantially the following form:

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

32 Executed on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_,

33 (date) (month) (year) (city or other location, and state)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

\_\_\_\_\_  
(country)  
\_\_\_\_\_  
(printed name)  
\_\_\_\_\_  
(signature)

**42-26.3-7. Uniformity of application and construction.** -- In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**42-26.3-8. Relation to electronic signatures in global and national commerce act.** -- This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

SECTION 2. This act shall take effect upon passage.

=====  
LC01575  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - UNIFORM UNSWORN  
FOREIGN DECLARATIONS ACT

\*\*\*

1           This act would affirm the use in state legal proceedings of unsworn declarations made by  
2   declarations who are physically outside the boundaries of the United States when making the  
3   declaration.

4           This act would take effect upon passage.

=====  
LC01575  
=====