

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To enact the Uniform Unsworn Foreign Declarations Act to provide that an unsworn declaration made by a person physically located outside of the United States, in writing, and subject to the penalty of perjury, shall have the same effect as a sworn declaration; and to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to make unsworn declarations made in accordance with this act or 28 U.S.C. § 1746(2) subject to penalties for perjury.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Uniform Unsworn Foreign Declarations Amendment Act of 2010”.

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation to read as follows:

“53. Unsworn Foreign Declarations; Uniform Act . . . 16-5301.”

(b) A new Chapter 53 is added to read as follows:

“CHAPTER 53. UNSWORN FOREIGN DECLARATIONS; UNIFORM ACT

“Section

“16-5301. Short title.

“16-5302. Definitions.

“16-5303. Applicability.

“16-5304. Validity of unsworn declaration.

“16-5305. Required medium.

“16-5306. Form of unsworn declaration.

“16-5307. Uniformity of application and construction.

“16-5308. Relation to Electronic Signatures in Global and National Commerce Act.

“§ 16-5301. Short title.

“This chapter may be cited as the “Uniform Unsworn Foreign Declarations Act”.

New
§ 16-5301

“§ 16-5302. Definitions.

New
§ 16-5302

“For the purposes of this chapter, the term:

“(1) “Boundaries of the United States” means 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.

“(2) “Law” includes a District of Columbia statute, a judicial decision or order, an executive order, and an administrative rule, regulation, or order.

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

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

“(A) To execute or adopt a tangible symbol; or

“(B) To attach to or logically associate with the record an electronic symbol, sound, or process.

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

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

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

“§ 16-5303. Applicability.

New
§ 16-5303

“This chapter applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located outside the boundaries of the United States, whether or not the location is subject to the jurisdiction of the United States. This chapter does not apply to a declaration by a declarant who is physically located on property that is within the boundaries of the United States and subject to the jurisdiction of another country or a federally recognized Indian tribe.

“§ 16-5304. Validity of unsworn declaration.

New
§ 16-5304

“(a) Except as otherwise provided in subsection (b) of this section, if a law of the District of Columbia requires or permits use of a sworn declaration, an unsworn declaration meeting the requirements of this chapter shall have the same effect as a sworn declaration.

“(b) This chapter shall not apply to:

“(1) A deposition;

“(2) An oath of office;

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

“(4) A declaration to be recorded with the Recorder of Deeds of the District of Columbia.

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“§ 16-5305. Required medium.

New
§ 16-5305

“If a law of the District of Columbia requires that a sworn declaration be presented in a particular medium, an unsworn declaration shall be presented in that medium.

“§ 16-5306. Form of unsworn declaration.

New
§ 16-5306

“An unsworn declaration under this chapter shall be in substantially the following form:

“I declare under penalty of perjury under the law of the District of Columbia 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 ___ day of _____, _____, at _____:
 “(date) (month) (year) (city or other location, and state) (country)

“_____
“(printed name)

“_____
“(signature)

“§ 16-5307. Uniformity of application and construction.

New
§ 16-5307

“In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

“§ 16-5308. Relation to Electronic Signatures in Global and National Commerce Act.

New
§ 16-5308

“This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*), but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. § 7001(c)), or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. § 7003(b)).”.

Sec. 3. Section 401(a) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2402(a)), is amended as follows:

Amend
§ 22-2402

(1) Paragraph (1) is amended by striking the word “or” at the end.

(2) Paragraph (2) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new paragraph (3) is added to read as follows:

“(3) In any declaration, certificate, verification, or statement made under penalty of perjury in the form specified in D.C. Official Code § 16-5306 or 28 U.S.C. § 1746(2), the person willfully states or subscribes as true any material matter that the person does not believe to be true and that in fact is not true.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia