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State of Minnesota

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HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 3318

March 4, 2010

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The bill was read for the first time and referred to the Committee on Civil Justice

March 18, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Public Safety Policy and Oversight

March 23, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to judiciary; enacting the Uniform Unsworn Foreign Declarations Act
1.3 proposed for adoption by the National Conference of Commissioners on Uniform
1.4 State Laws; providing for penalties; amending Minnesota Statutes 2008, section
1.5 609.48, subdivision 1; proposing coding for new law in Minnesota Statutes,
1.6 chapter 358.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. **[358.110] UNSWORN FOREIGN DECLARATIONS.**

1.9 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in
1.10 this subdivision have the meanings given them.

1.11 (b) "Boundaries of the United States" means the geographic boundaries of the
1.12 United States, Puerto Rico, the United States Virgin Islands, and any territory or insular
1.13 possession subject to the jurisdiction of the United States.

1.14 (c) "Law" includes the federal or a state constitution, a federal or state statute, a
1.15 judicial decision or order, a rule of court, an executive order, and an administrative rule,
1.16 regulation, or order.

1.17 (d) "Record" means information that is inscribed on a tangible medium or that is
1.18 stored in an electronic or other medium and is retrievable in perceivable form.

1.19 (e) "Sign" means, with present intent to authenticate or adopt a record:

1.20 (1) to execute or adopt a tangible symbol; or

1.21 (2) to attach to or logically associate with the record an electronic symbol, sound,
1.22 or process.

1.23 (f) "State" means a state of the United States, the District of Columbia, Puerto
1.24 Rico, the United States Virgin Islands, or any territory or insular possession subject to the
1.25 jurisdiction of the United States.

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

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

2.5 Subd. 2. **Applicability.** This section applies to an unsworn declaration by a
2.6 declarant who at the time of making the declaration is physically located outside the
2.7 boundaries of the United States whether or not the location is subject to the jurisdiction
2.8 of the United States. This section does not apply to a declaration by a declarant who is
2.9 physically located on property that is within the boundaries of the United States and
2.10 subject to the jurisdiction of another country or federally recognized Indian tribe.

2.11 Subd. 3. **Validity of unsworn declaration.** (a) Except as otherwise provided in
2.12 paragraph (b), if a state law requires or permits use of a sworn declaration, an unsworn
2.13 declaration meeting the requirements of this section has the same effect as a sworn
2.14 declaration.

2.15 (b) This section does not apply to:

2.16 (1) a deposition;

2.17 (2) an oath of office;

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

2.19 (4) a document intended for recording in the real estate records in the office of
2.20 the county recorder or registrar of titles;

2.21 (5) an oath under section 524.2-504; or

2.22 (6) a power of attorney.

2.23 Subd. 4. **Required medium.** If a state law requires that a sworn declaration be
2.24 presented in a particular medium, an unsworn declaration must be presented in that
2.25 medium.

2.26 Subd. 5. **Form of unsworn declaration.** An unsworn declaration under this section
2.27 must be in substantially the following form:

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

2.32 Executed on the _____ day of _____, _____, at _____.

2.33 (date) (month) (year) (city or other location, and (country)
2.34 state)

2.35 _____ (printed name)

2.36 _____ (signature)

3.1 Subd. 6. **Relation to electronic signatures in Global and National Commerce**
3.2 **Act.** This section modifies, limits, and supersedes the federal Electronic Signatures in
3.3 Global and National Commerce Act, United States Code, title 15, section 7001, et seq.,
3.4 but does not modify, limit, or supersede section 101(c) of that act, United States Code,
3.5 title 15, section 7001(c), or authorize electronic delivery of any of the notices described in
3.6 section 103(b) of that act, United States Code, title 15, section 7003(b).

3.7 Subd. 7. **Citation.** This section may be cited as the "Uniform Unsworn Foreign
3.8 Declarations Act."

3.9 Sec. 2. Minnesota Statutes 2008, section 609.48, subdivision 1, is amended to read:

3.10 Subdivision 1. **Acts constituting.** Whoever makes a false material statement not
3.11 believing it to be true in any of the following cases is guilty of perjury and may be
3.12 sentenced as provided in subdivision 4:

3.13 (1) in or for an action, hearing or proceeding of any kind in which the statement is
3.14 required or authorized by law to be made under oath or affirmation; or

3.15 (2) in any writing which is required or authorized by law to be under oath or
3.16 affirmation; ~~or~~

3.17 (3) in any writing made according to section 358.110; or

3.18 ~~(3)~~ (4) in any other case in which the penalties for perjury are imposed by law and
3.19 no specific sentence is otherwise provided.

3.20 Sec. 3. **EFFECTIVE DATE.**

3.21 Sections 1 and 2 are effective August 1, 2010.