

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/15/17
A Bill

HOUSE BILL 1884

5 By: Representative Gazaway
6

7 **For An Act To Be Entitled**

8 AN ACT TO ADOPT THE UNIFORM UNSWORN FOREIGN
9 DECLARATIONS ACT; AND FOR OTHER PURPOSES.

10
11
12 **Subtitle**

13 TO ADOPT THE UNIFORM UNSWORN FOREIGN
14 DECLARATIONS ACT.

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 5-53-102 is amended to read as follows:
20 5-53-102. Perjury generally.

21 (a) A person commits perjury if in an official proceeding he or she
22 knowingly:

23 (1) Makes a false material statement under an oath required or
24 authorized by law; ~~or~~

25 (2) Applies for or submits an absentee ballot for a city, school
26 district, county, state, or federal election knowing that he or she is
27 unlawfully applying for or unlawfully submitting the absentee ballot; or

28 (3) Makes a false unsworn declaration under the Uniform *Unsworn*
29 *Foreign Declarations Act, § 16-2-201 et seq.*

30 (b) Lack of knowledge of the materiality of the statement is not a
31 defense to a charge of perjury under this section.

32 (c) Perjury is a Class C felony.
33

34 SECTION 2. Arkansas Code § 5-53-103 is amended to read as follows:
35 5-53-103. False swearing generally.

36 (a) A person commits false swearing if other than in an official



1 proceeding he or she makes a false material statement, knowing it to be
2 false, under an oath required or authorized by law or in an unsworn
3 declaration under the Uniform Unsworn Foreign Declarations Act, § 16-2-201 et
4 seq.

5 (b) Lack of knowledge of the materiality of the statement is not a
6 defense to a charge of false swearing.

7 (c) False swearing is a Class A misdemeanor.

8

9 SECTION 3. Arkansas Code Title 16, Chapter 2, is amended to add a new
10 subchapter to read as follows:

11 Subchapter 2 – Uniform Unsworn Foreign Declarations Act

12

13 16-2-201. Short title

14 This subchapter may be cited as the Uniform Unsworn Foreign
15 Declarations Act.

16

17 16-2-202. Definitions.

18 In this subchapter:

19 (1) “Boundaries of the United States” means the geographic
20 boundaries of the United States, Puerto Rico, the United States Virgin
21 Islands, and any territory or insular possession subject to the jurisdiction
22 of the United States.

23 (2) “Law” includes the federal or a state constitution, a
24 federal or state statute, a judicial decision or order, a rule of court, an
25 executive order, and an administrative rule, regulation, or order.

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

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

31 (A) to execute or adopt a tangible symbol; or

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

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

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

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

6
7 16-2-203. Applicability.

8 This subchapter applies to an unsworn declaration by a declarant who at
9 the time of making the declaration is physically located outside the
10 boundaries of the United States whether or not the location is subject to the
11 jurisdiction of the United States. This subchapter does not apply to a
12 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
14 another country or a federally recognized Indian tribe.

15
16 16-2-204. Validity of unsworn declaration.

17 (a) Except as otherwise provided in subsection (b), if a law of this
18 state requires or permits use of a sworn declaration, an unsworn declaration
19 meeting the requirements of this subchapter has the same effect as a sworn
20 declaration.

21 (b) This subchapter does not apply to:

22 (1) a deposition;

23 (2) an oath of office;

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

26 (4) a declaration to be recorded pursuant to:

27 (A) Title 16, Chapter 47;

28 (B) Title 18, Subtitle 2; or

29 (C) Title 26, Chapter 60; or

30 (5) an oath required by § 28-25-106.

31
32 16-2-205. Required medium.

33 If a law of this state requires that a sworn declaration be presented
34 in a particular medium, an unsworn declaration must be presented in that
35 medium.

36

1 16-2-206. Form of unsworn declaration.

2 An unsworn declaration under this subchapter must be in substantially
3 the following form:

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

9 Executed on the _____ day of _____, _____, at
10 _____
(date) (month) (year)

11 _____,
12 (city or other location, and state) (country)

13 _____
14 _____
15 (printed name)

16 _____
17 _____
18 (signature)

19
20 16-2-207. Uniformity of application and construction.

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

24
25 16-2-208. Relation to Electronic Signatures In Global And National
26 Commerce Act.

27 This subchapter modifies, limits, or supersedes the Electronic
28 Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et
29 seq., as it existed on January 1, 2017, but does not modify, limit, or
30 supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), as it
31 existed on January 1, 2017, or authorize electronic delivery of any of the
32 notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b),
33 as it existed on January 1, 2017.

34
35 */s/Gazaway*

1
2

APPROVED: 04/04/2017