

1 HB357
2 198209-1
3 By Representative Fridy
4 RFD: Judiciary
5 First Read: 04-APR-19

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8 SYNOPSIS: Under existing law, when a declaration is to
9 be used in a judicial or administrative proceeding,
10 the declaration is required to be in the form of an
11 affidavit that is sworn to in the presence of a
12 notary public.

13 Also under existing law, the Alabama Uniform
14 Unsworn Foreign Declarations Act provides that when
15 a declaration is unsworn, with exceptions, the
16 declaration is valid if the declarant is outside
17 the territorial limits of the United States and the
18 declaration is signed under penalty of perjury.

19 This bill would provide that, with
20 exceptions, when a matter is required to be
21 evidenced by a sworn declaration of the person
22 making the declaration, the matter may be valid if
23 it is unsworn and subscribed to by the declarant
24 under penalty of perjury.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 Relating to evidence; to repeal the Alabama Uniform
4 Unsworn Foreign Declarations Act, Subdivision 3.5, commencing
5 with Section 12-21-80, Division 1, Article 1, Chapter 21,
6 Title 12 of the Code of Alabama 1975; and to provide that when
7 a matter is required to be evidenced by a sworn declaration of
8 the person making the declaration, the matter may be valid if
9 it is unsworn and subscribed to by the declarant under penalty
10 of perjury, with exceptions.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Subdivision 3.5, commencing with Section
13 12-21-80, Division 1, Article 1, Chapter 21, Title 12 of the
14 Code of Alabama 1975, the Alabama Uniform Unsworn Foreign
15 Declarations Act, is repealed.

16 Section 2. (a) Except as provided in subsection (b),
17 when, under any law of this state or under any rule, order, or
18 requirement made pursuant to a law of this state, any matter
19 is required or permitted to be supported, evidenced,
20 established, or proven by the sworn declaration, verification,
21 certificate, statement, oath, affirmation, or affidavit, in
22 writing, of the person making the same, the matter, with like
23 force and effect, may be supported, evidenced, established, or
24 proven by the unsworn declaration, verification, certificate,
25 statement, oath, affirmation, or affidavit, in writing, which
26 is subscribed by the declarant as true under penalty of
27 perjury, and dated, in substantially the following form:

1 "I declare (or verify, certify, state, swear, or
2 affirm) under penalty of perjury under the laws of the State
3 of Alabama that the foregoing is true and correct. Executed on
4 (date).

5 _____
6 (Signature)."

7 (b) This act does not apply to any of the following:

8 (1) A deposition.

9 (2) An oath of office.

10 (3) An oath required to be taken before a specified
11 official other than a notary public.

12 (4) A declaration to be recorded under Title 35,
13 Code of Alabama 1975.

14 (5) An oath required by Section 43-8-132 or
15 43-8-133, Code of Alabama 1975.

16 (6) A durable power of attorney executed under
17 Chapter 1 or 1A of Title 26, Code of Alabama 1975.

18 (7) An affidavit required to be accompanied with an
19 absentee ballot cast under Chapter 17 of Title 11, Code of
20 Alabama 1975.

21 Section 3. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.