

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
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As Engrossed: H3/15/17
A Bill

HOUSE BILL 1884

By: Representative Gazaway

For An Act To Be Entitled

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

Subtitle

TO ADOPT THE UNIFORM UNSWORN FOREIGN
DECLARATIONS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

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

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

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

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

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

(c) Perjury is a Class C felony.

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

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



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

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

(c) False swearing is a Class A misdemeanor.

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

Subchapter 2 – Uniform Unsworn Foreign Declarations Act

16-2-201. Short title

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

16-2-202. Definitions.

In this subchapter:

(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 the federal or a state constitution, a federal or state statute, a judicial decision or order, a rule of court, 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 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.

16-2-203. Applicability.

This subchapter 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 subchapter 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.

16-2-204. Validity of unsworn declaration.

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

(b) This subchapter does 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;

(4) a declaration to be recorded pursuant to:

(A) Title 16, Chapter 47;

(B) Title 18, Subtitle 2; or

(C) Title 26, Chapter 60; or

(5) an oath required by § 28-25-106.

16-2-205. Required medium.

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

16-2-206. Form of unsworn declaration.

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

I declare under penalty of perjury under the law of Arkansas 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)

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

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

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

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

/s/Gazaway