
Civil Rights & Judiciary Committee

SSB 5017

Brief Description: Concerning the uniform unsworn declarations act.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Salomon, Van De Wege and Pedersen; by request of Uniform Law Commission).

Brief Summary of Substitute Bill

- Adopts the Uniform Unsworn Declarations Act by expanding the applicability of the Uniform Unsworn Foreign Declarations Act to both domestic declarants and those that are outside the boundaries of the United States.
- Repeals the state statute addressing unsworn declarations and updates cross-references throughout the code.

Hearing Date: 3/6/19

Staff: Ingrid Lewis (786-7289).

Background:

Participants in legal proceedings before Washington courts and agencies generally can attest that certain statements are true through affidavits, which are voluntary written declarations of facts that are sworn to by the declarant before a public notary or authorized official. An unsworn declaration is a formal, written statement resembling an affidavit but not notarized or sworn to, which has the force and effect of a sworn statement provided that statutory requirements are met. Such a declaration must state that it is certified or declared by the person to be true under penalty of perjury, be subscribed by the person, state the date and place of execution, and state that it is declared under Washington law.

In 2011 Washington adopted the Uniform Unsworn Foreign Declarations Act (UUFDA). The act closely resembles Washington law regarding domestic unsworn declarations, but allows people physically located outside the boundaries of the United States (U.S.), Puerto Rico, the U.S. Virgin Islands, and territories or possession subject to U.S. jurisdiction to submit unsworn

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declarations in lieu of other sworn statements. The law does not apply to: written statements requiring an acknowledgement; depositions; oaths of office; or oaths required to be taken before a special official other than a notary public. The UUFDA does not allow unsworn declarations to be used in place of declarations to be recorded pursuant to certain real estate and business partnership laws and certain oaths related to wills.

In 2016 the Uniform Law Commission issued the Uniform Unsworn Declarations Act (UUDA), which permits the use of unsworn declarations made under penalty of perjury in state courts. The UUDA builds upon the UUFDA, and applies to persons physically located within or outside the boundaries of the U.S., and whether or not the location is subject to the jurisdiction of the U.S.

Summary of Bill:

The Uniform Unsworn Foreign Declarations Act (UUFDA) is amended to apply to an unsworn declaration by a declarant who at the time of making the declaration is physically located within or outside the boundaries of the United States. The name of the act is changed from the UUFDA to the Uniform Unsworn Declarations Act.

The state statute addressing domestic unsworn declarations is repealed and cross-references throughout the code are updated.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.