

FINAL BILL REPORT

SSB 5017

C 232 L 19
Synopsis as Enacted

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).

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

Background: Declarations of persons are routinely received in state and federal courts and agencies. Many, but not all, of the declarations are affidavits and other documents sworn to by declarants before public notaries or authorized officials. Washington law permits unsworn written declarations to be used in lieu of affidavits and other sworn statements, so long as the declarations follow a prescribed form. A declaration must state that it is certified or declared by the person to be true under penalty of perjury, be signed by the person, state the date and place of execution, and state that it is declared under Washington law. The law does not apply to writings requiring an acknowledgement, depositions, oaths of office, or oaths required to be taken before a special official other than a notary public.

In 2011, the Legislature 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, Puerto Rico, the U.S. Virgin Islands, and territories or possession subject to United States jurisdiction to submit unsworn declarations in lieu of other sworn statements. To date, UUFDA has been adopted in over 20 states.

In 2016, the Uniform Law Commission completed work on the Uniform Unsworn Declarations Act (UUDA). UUDA extends to state proceedings the same flexibility that federal courts and agencies employ via UUFDA. Although Washington State generally has this ability under current statute, adoption of UUDA will harmonize state and federal treatment of unsworn declarations and eliminate inconsistency in practice between states. To date, Colorado is the only state that has adopted UUDA.

Summary: UUDA is adopted by removing provisions in the previously adopted UUFDA that limit applicability of the act to declarants who are outside the boundaries of the United States. Provisions from current law are incorporated into UUDA, including the definition of "sign" as it relates to the subscription of an unsworn declaration to the uniform act and

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clarification that an unsworn declaration includes a sworn statement, verification, and certificate to conform with the statute relating to perjury.

The state statute addressing domestic unsworn declarations is repealed effective July 1, 2021, and cross-references throughout the code are updated.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 28, 2019