

1 HB29
2 125882-2
3 By Representative Black
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ENROLLED, An Act,

To add Subdivision 3.5 to Division 1 of Article 1 of Chapter 21 of Title 12, Code of Alabama 1975, to adopt the Alabama Uniform Unsworn Foreign Declarations Act; to provide for the validity under certain conditions of an unsworn declaration if the declarant is outside the territorial limits of the United States and the declaration is signed under penalty of perjury.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Subdivision 3.5 is added to Division 1 of Article 1 of Chapter 21 of Title 12, Code of Alabama 1975, to read as follows.

Subdivision 3.5. Alabama Uniform Unsworn Foreign Declarations Act.

§12-21-80. SHORT TITLE.

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

§12-21-81. DEFINITIONS.

In this subdivision:

(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.

1 (2) "Law" includes the federal or a state
2 constitution, a federal or state statute, a judicial decision
3 or order, a rule of court, an executive order, and an
4 administrative rule, regulation, or order.

5 (3) "Record" means information that is inscribed on
6 a tangible medium or that is stored in an electronic or other
7 medium and is retrievable in perceivable form.

8 (4) "Sign" means, with present intent to
9 authenticate or adopt a record:

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

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

13 (5) "State" means a state of the United States, the
14 District of Columbia, Puerto Rico, the United States Virgin
15 Islands, or any territory or insular possession subject to the
16 jurisdiction of the United States.

17 (6) "Sworn declaration" means a declaration in a
18 signed record given under oath. The term includes a sworn
19 statement, verification, certificate, and affidavit.

20 (7) "Unsworn declaration" means a declaration in a
21 signed record that is not given under oath, but is given under
22 penalty of perjury.

23 §12-21-82. APPLICABILITY.

24 This subdivision applies to an unsworn declaration
25 by a declarant who at the time of making the declaration is

1 physically located outside the boundaries of the United States
2 whether or not the location is subject to the jurisdiction of
3 the United States. This subdivision does not apply to a
4 declaration by a declarant who is physically located on
5 property that is within the boundaries of the United States
6 and subject to the jurisdiction of another country or a
7 federally recognized Indian tribe.

8 §12-21-83. VALIDITY OF UNSWORN DECLARATION.

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

14 (b) This subdivision does not apply to:

15 (1) a deposition;

16 (2) an oath of office;

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

19 (4) a declaration to be recorded pursuant to Title
20 35;

21 (5) an oath required by Sections 43-8-132 and
22 43-8-133; or

23 (6) a durable power of attorney executed pursuant to
24 Chapter 1 of Title 26.

25 §12-21-84. REQUIRED MEDIUM.

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

4 §12-21-85. FORM OF UNSWORN DECLARATION.

5 An unsworn declaration under this subdivision must
6 be in substantially the following form:

7 I declare under penalty of perjury under the law of
8 the State of Alabama that the foregoing is true and correct,
9 and that I am physically located outside the geographic
10 boundaries of the United States, Puerto Rico, the United
11 States Virgin Islands, and any territory or insular possession
12 subject to the jurisdiction of the United States.

13 Executed on the (date), day of (month), (year), at

14 _____
15 _____.

16 (specific location, including city, state, country,
17 or other descriptive information)

18 _____

19 (printed name)

20 _____

21 (signature)

22 §12-21-86. UNIFORMITY OF APPLICATION AND
23 CONSTRUCTION.

24 In applying and construing this uniform act,
25 consideration must be given to the need to promote uniformity

1 of the law with respect to its subject matter among states
2 that enact it.

3 §12-21-87. RELATION TO ELECTRONIC SIGNATURES IN
4 GLOBAL AND NATIONAL COMMERCE ACT.

5 This subdivision modifies, limits, and supersedes
6 the federal Electronic Signatures in Global and National
7 Commerce Act, 15 U.S.C. Section 7001, et seq., but does not
8 modify, limit, or supersede Section 101(c) of that act, 15
9 U.S.C. Section 7001(c), or authorize electronic delivery of
10 any of the notices described in Section 103(b) of that act, 15
11 U.S.C. Section 7003(b).

12 Section 2. All laws or parts of laws which conflict
13 with this act are repealed.

14 Section 3. This act shall take effect on January 1,
15 2012.

