

House Bill 80

By: Representatives Leverett of the 123<sup>rd</sup> and Oliver of the 82<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 14 of Title 24 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding proof generally, so as to enact the "Uniform Unsworn  
3 Declarations Act"; to provide for unsworn declarations to have the same effect as sworn  
4 declarations in certain circumstances; to provide for exceptions; to provide for definitions;  
5 to provide for applicability and construction; to provide for a short title; to amend Article 4  
6 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to perjury and  
7 related offenses, so as to include unsworn declarations in the offense of perjury; to provide  
8 for related matters; to provide for an effective date; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 14 of Title 24 of the Official Code of Georgia Annotated, relating to  
13 general provisions regarding proof generally, is amended by adding a new Code section to  
14 read as follows:

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15 "24-14-10.

16 (a) This Code section shall be known and may be cited as the 'Uniform Unsworn  
17 Declarations Act.'

18 (b) As used in this Code section, the term:

19 (1) 'Law' includes a statute, judicial decision or order, rule of court, executive order, and  
20 administrative rule, regulation, or order.

21 (2) 'Record' means information that is inscribed on a tangible medium or that is stored  
22 in an electronic or other medium and is retrievable in perceivable form.

23 (3) 'Sign' means, with present intent to authenticate or adopt a record:

24 (A) To execute or adopt a tangible symbol; or

25 (B) To attach to or logically associate with the record an electronic symbol, sound, or  
26 process.

27 (4) 'Sworn declaration' means a declaration in a signed record given under oath. Such  
28 term includes a sworn statement, verification, certificate, and affidavit.

29 (5) 'Unsworn declaration' means a declaration in a signed record not given under oath but  
30 given under penalty of perjury.

31 (c) This Code section shall apply to an unsworn declaration by a declarant who at the time  
32 of making the declaration is physically located within or outside the boundaries of the  
33 United States, whether or not the location is subject to the jurisdiction of the United States  
34 or this state.

35 (d)(1) Except as otherwise provided in paragraph (2) of this subsection, if a law of this  
36 state requires or permits use of a sworn declaration in a court, administrative, or arbitral  
37 proceeding, an unsworn declaration meeting the requirements of this Code section has  
38 the same effect as a sworn declaration.

39 (2) This Code section shall not apply to:

40 (A) A deposition;

41 (B) An oath of office;

42 (C) An oath expressly required by statute to be given before a specified official other  
43 than a notary public;

44 (D) An oath expressly required by statute to be made pursuant to the requirements of  
45 Code Section 9-10-113;

46 (E) An instrument expressly required by statute to comply with Code Section 44-2-15;  
47 or

48 (F) An oath required by Code Section 53-4-24.

49 (e) If a law of this state requires that a sworn declaration be presented in a particular  
50 medium, an unsworn declaration must be presented in the same medium.

51 (f) An unsworn declaration under this Code section shall be in form and content  
52 substantially as follows:

53 I declare under penalty of perjury under the law of Georgia that the foregoing is true and  
54 correct.

55 Signed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_.

56                     Date                      Month            Year   City or other location, and state or country

57 \_\_\_\_\_

58 Printed name

59 \_\_\_\_\_

60 Signature.'

61 (g) In applying and construing this Code section, consideration shall be given to the need  
62 to promote uniformity of the law with respect to its subject matter among states that enact  
63 it.

64 (h) This Code section modifies, limits, or supersedes the federal Electronic Signatures in  
65 Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify,  
66 limit, or supersede Section 101(c) of such act, or authorize electronic delivery of any of the  
67 notices described in Section 103(b) of such act."

68 **SECTION 2.**

69 Article 4 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to  
70 perjury and related offenses, is amended by revising subsection (a) of Code Section  
71 16-10-70, relating to perjury, as follows:

72 "(a) A person to whom a lawful oath or affirmation has been administered or a person who  
73 executes an unsworn declaration as defined in Code Section 24-14-10 commits the offense  
74 of perjury when, in a judicial proceeding, he or she knowingly and willfully makes a false  
75 statement material to the issue or point in question."

76 **SECTION 3.**

77 This Act shall become effective July 1, 2023.

78 **SECTION 4.**

79 All laws and parts of laws in conflict with this Act are repealed.