

House Bill 80 (COMMITTEE SUBSTITUTE)

By: Representatives Leverett of the 123rd and Oliver of the 82nd

A BILL TO BE ENTITLED
AN ACT

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 1 of Title 9 of the Official Code of Georgia Annotated, relating to general provisions
13 regarding civil practice, is amended by adding a new Code section to read as follows:

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14 "9-1-1.

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

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

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

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

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

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

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

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

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

30 (c) Except as provided in subsection (d) of this Code section or otherwise precluded by
31 law, this Code section shall apply to an unsworn declaration by a declarant who at the time
32 of making the declaration is physically located outside the boundaries of the United States
33 and each of the territories and possessions of the United States, whether or not the location
34 is subject to the jurisdiction of the United States 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 9-1-1 commits the offense of
74 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.