

2022 -- S 2401

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- UNIFORM UNSWORN
DECLARATION ACT

Introduced By: Senators Archambault, Coyne, McCaffrey, Ruggerio, and F Lombardi

Date Introduced: February 15, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 127.2

4 UNIFORM UNSWORN DECLARATIONS ACT

5 **42-127.2-1. Short title.**

6 This chapter shall be known and may be cited as the "Uniform Unsworn Declarations Act."

7 **42-127.2-2. Definitions.**

8 For the purposes of this chapter:

9 (1) "Law" means a statute, judicial decision or order, rule of court, executive order, and
10 administrative rule, regulation, or order.

11 (2) "Record", used as a noun, means information that is inscribed on a tangible medium or
12 that is stored in an electronic or other medium and is retrievable in perceivable form.

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

14 (i) To execute or adopt a tangible symbol; or

15 (ii) To attach to or logically associate with the record an electronic symbol, sound, or
16 process.

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

1 (5) "Unsworn declaration" means a declaration in a signed record not given under oath but
2 given under penalty of perjury.

3 **42-127.2-3. Applicability.**

4 This chapter applies to an unsworn declaration by a declarant who at the time of making
5 the declaration is physically located within or outside the boundaries of the United States, whether
6 or not the location is subject to the jurisdiction of the United States.

7 **42-127.2-4. Validity of unsworn declaration.**

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

11 (b) This chapter does not apply to:

12 (1) A deposition;

13 (2) An oath of office;

14 (3) An oath required to be given before a specified official other than a notary public;

15 (4) A declaration to be recorded in the land evidence records of any city or town in this
16 state; or

17 (5) An oath permitted by § 33-7-26.

18 **42-127.2-5. Required medium.**

19 If a law of this state requires that a sworn declaration be presented in a particular medium,
20 an unsworn declaration must be presented in the same medium.

21 **42-127.2-6. Form of unsworn declaration.**

22 An unsworn declaration under this chapter must be in substantially the following form:

23 I declare under penalty of perjury under the law of Rhode Island that the foregoing is true
24 and correct.

25 Signed on the day of , , at .

26 Date Month Year

27 City or other location, and state or country

28 _____

29 Printed name

30 _____

31 Signature

32 **42-127.2-7. Uniformity of application and construction.**

33 In applying and construing this uniform act, consideration must be given to the need to
34 promote uniformity of the law with respect to its subject matter among states that enact it.

1 **42-127.2-8. Relation to electronic signatures in global and national commerce act.**

2 [This chapter modifies, limits, or supersedes the Electronic Signatures in Global and](#)
3 [National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede](#)
4 [Section 101\(c\) of that act, 15 U.S.C. Section 7001\(c\), or authorize electronic delivery of any of the](#)
5 [notices described in Section 103\(b\) of that act or 15 U.S.C. Section 7003\(b\).](#)

6 SECTION 2. Section 11-33-1 of the General Laws in Chapter 11-33 entitled "Perjury and
7 False Swearing" is hereby amended to read as follows:

8 **11-33-1. Perjury.**

9 (a) Every person under oath ~~or~~ affirmation [or in accordance with the provisions of chapter](#)
10 [127.2 of title 42 regarding unsworn declarations](#) who knowingly makes any false material
11 declaration or makes or uses any other information, including any book, paper, document, record,
12 recording, or other material, knowing it contains any false material declaration, shall be deemed
13 guilty of perjury.

14 (b) An indictment or information for violation of this section alleging that on oath or
15 affirmation the defendant has knowingly made two (2) or more declarations which are inconsistent
16 to the degree that one of them is necessarily false need not specify which declaration is false if:

17 (1) Each declaration was material to the point in question; and

18 (2) Each declaration was made within the period of the statute of limitations established in
19 § 12-12-17.

20 (c) In any prosecution under this section, the falsity of a declaration set forth in the
21 indictment or information shall be established sufficient for conviction by proof that the defendant
22 on oath or affirmation made irreconcilably contradictory declarations material to the point in
23 question. It shall be a defense to an indictment or information made pursuant to this subsection that
24 the defendant, at the time he or she made each declaration, believed the declaration was true.

25 (d) Where in the same continuous court or grand jury proceeding in which a declaration is
26 made, the person making the declaration admits the declaration to be false, that admission shall bar
27 prosecution under this section if, at the time the admission is made, the declaration has not
28 substantially affected the proceeding, or it has not become manifest that the falsity has been or will
29 be exposed.

30 (e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall
31 not be necessary that proof be made by any particular number of witnesses or by documentary or
32 other type of evidence.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- UNIFORM UNSWORN
DECLARATION ACT

- 1 This act would give an "unsworn" declaration given under the penalty of perjury the same
- 2 effect as "a sworn" declaration, and subject to the criminal penalties for perjury.
- 3 This act would take effect upon passage.

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