



2009 SENATE BILL 365

1 **AN ACT** *to amend* 946.32 (1) (a), 946.32 (1) (b) and 946.32 (2); and *to create*
2 887.015 of the statutes; **relating to:** the Uniform Unsworn Foreign
3 Declarations Act and providing a penalty.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 887.015 of the statutes is created to read:
5 **887.015 Uniform unsworn foreign declarations act. (1)** SHORT TITLE. This
6 section may be cited as the Uniform Unsworn Foreign Declarations Act.
7 **(2)** DEFINITIONS. In this section:
8 (a) “Boundaries of the United States” means the geographic boundaries of the
9 United States, Puerto Rico, the United States Virgin Islands, and any territory or
10 insular possession subject to the jurisdiction of the United States.

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

4 (c) “Record” means information that is inscribed on a tangible medium or that
5 is stored in an electronic or other medium and is retrievable in perceivable form.

6 (d) “Sign” means, with present intent to authenticate or adopt a record, either
7 of the following:

8 1. To execute or adopt a tangible symbol.

9 2. To attach to or logically associate with the record an electronic symbol, sound,
10 or process.

11 (e) “State” means a state of the United States, the District of Columbia, Puerto
12 Rico, the United States Virgin Islands, or any territory or insular possession subject
13 to the jurisdiction of the United States.

14 (f) “Sworn declaration” means a declaration in a signed record given under oath
15 or affirmation. Sworn declaration includes a sworn or affirmed statement,
16 verification, certificate, or affidavit.

17 (g) “Unsworn declaration” means a declaration in a signed record that is not
18 given under oath, but is given under penalty of false swearing.

19 **(3) APPLICABILITY.** This section applies to an unsworn declaration by a
20 declarant who at the time of making the declaration is physically located outside the
21 boundaries of the United States, whether or not the location is subject to the
22 jurisdiction of the United States. This section does not apply to a declaration by a
23 declarant who is physically located on property that is within the boundaries of the
24 United States and subject to the jurisdiction of another country or a federally
25 recognized American Indian tribe.

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1 **(4) VALIDITY OF UNSWORN DECLARATIONS.** (a) Except as provided in par. (b), and
2 notwithstanding s. 906.03, if a law of this state requires or permits use of a sworn
3 declaration, an unsworn declaration meeting the requirements of this section has the
4 same effect as a sworn declaration.

5 **(b)** This section does not apply to any of the following:

6 1. A deposition.

7 2. An oath of office.

8 3. An oath required to be given before a specified official other than a notary
9 public.

10 4. A declaration to be recorded pursuant to s. 706.06, 706.07, or 706.25.

11 5. An oath required under s. 853.04.

12 **(5) REQUIRED MEDIUM.** If a law of this state requires that a sworn declaration
13 be presented in a particular medium, an unsworn declaration must be presented in
14 that medium.

15 **(6) FORM OF UNSWORN DECLARATION.** An unsworn declaration under this section
16 must be in substantially the following form:

17 I declare under penalty of false swearing under the law of Wisconsin that the
18 foregoing is true and correct, and that I am physically located outside the geographic
19 boundaries of the United States, Puerto Rico, the United States Virgin Islands, and
20 any territory or insular possession subject to the jurisdiction of the United States.

21 Executed on the day of,(year), at(city or other location, and state),
22(country).

23 (printed name)

24 (signature)

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1 **(7) UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In applying and construing
2 this uniform act, consideration must be given to the need to promote uniformity of
3 the law with respect to its subject matter among the states that enact it.

4 **(8) RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.**

5 (a) Except as provided in par. (b), this section modifies, limits, and supersedes the
6 federal Electronic Signatures in Global and National Commerce Act, 15 USC 7001,
7 et seq.

8 (b) This section does not modify, limit, or supersede 15 USC 7001 (c) or
9 authorize electronic delivery of any of the notices described in 15 USC 7003 (b).

10 **SECTION 2.** 946.32 (1) (a) of the statutes is amended to read:

11 946.32 **(1)** (a) Under oath or affirmation or upon signing a statement pursuant
12 to s. 887.015 makes or subscribes a false statement which he or she does not believe
13 is true, when such oath ~~or~~ affirmation, or statement is authorized or required by law
14 or is required by any public officer or governmental agency as a prerequisite to such
15 officer or agency taking some official action.

16 **SECTION 3.** 946.32 (1) (b) of the statutes is amended to read:

17 946.32 **(1)** (b) Makes or subscribes 2 inconsistent statements under oath or
18 affirmation or upon signing a statement pursuant to s. 887.015 in regard to any
19 matter respecting which an oath ~~or~~ affirmation, or statement is, in each case,
20 authorized or required by law or required by any public officer or governmental
21 agency as a prerequisite to such officer or agency taking some official action, under
22 circumstances which demonstrate that the witness or subscriber knew at least one
23 of the statements to be false when made. The period of limitations within which
24 prosecution may be commenced runs from the time of the first statement.

25 **SECTION 4.** 946.32 (2) of the statutes is amended to read:

