

# State of Wisconsin



2009 Senate Bill 365

Date of enactment: **March 15, 2010**

Date of publication\*: **March 29, 2010**

## 2009 WISCONSIN ACT 166

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

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

**SECTION 1.** 887.015 of the statutes is created to read:

**887.015 Uniform unsworn foreign declarations act.** (1) **SHORT TITLE.** This section may be cited as the Uniform Unsworn Foreign Declarations Act.

(2) **DEFINITIONS.** In this section:

(a) "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.

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

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

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

1. To execute or adopt a tangible symbol.

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

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

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

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

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

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

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

1. A deposition.

2. An oath of office.

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

5. An oath required under s. 853.04.

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

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

I declare under penalty of false swearing under the law of Wisconsin that the foregoing is true and correct, and that I am physically located outside 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.

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

....(printed name)

....(signature)

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

(8) **RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.** (a) Except as provided in par. (b), this section modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 USC 7001, et seq.

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

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

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

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

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

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

946.32 (2) Whoever under oath or affirmation or upon signing a statement pursuant to s. 887.015 makes or subscribes a false statement which the person does not believe is true is guilty of a Class A misdemeanor.