



# Uniform Law Commission

The National Conference of Commissioners on Uniform State Laws

## RHODE ISLAND COMMISSION ON UNIFORM STATE LAWS

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Committee on State Government and Elections  
Rhode Island House of Representatives

Re: H5597 Uniform Unsworn Declarations Act

Mr. Chairperson and members of the Committee:

Thank you for the opportunity to testify about this bill on behalf of the State of Rhode Island's Commission on Uniform State Laws. For over 100 years, the Commission has been part of the Uniform Law Commission. The ULC is a government organization composed of commissions from all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

The Uniform Unsworn Declarations Act is one of three<sup>1</sup> uniform acts that enable persons involved in state court or administrative proceedings to sign documents under pains and penalties of perjury without having to appear before a notary or consular official. This is particularly important now, because the covid-19 pandemic has made it dangerous both for declarants and notaries to meet face-to-face and because post-September 11 security measures at U.S. embassies and consulates has made it difficult for persons overseas to sign sworn statements.

Most other states have either one of these uniform acts or their own non-uniform statute. For example, Massachusetts has its own statute. The uniform acts are modelled on a highly-successful federal statute, 28 U.S.C. § 1746, that can be used in the federal courts.

This bill has many advantages:

- 1) It includes a simple form for unsworn declarations that advises the declarant that he or she is signing under pains and penalties of perjury.
- 2) It makes the declarant subject to Rhode Island's perjury laws.
- 3) It gives Rhode Island courts the same flexibility that federal courts have had since 1976 under the federal statute and therefore harmonizes state and federal law.
- 4) For declarants outside the U.S., it eases the difficulties that necessary security measures have

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<sup>1</sup> The other two are the Uniform Unsworn *Domestic* Declarations Act and the Uniform Unsworn *Foreign* Declarations Act. The uniform act before the committee would apply to both domestic and foreign statements.

caused in state court litigation and administrative proceedings, and eases congestion at U.S. embassies and consulates.

- 5) It still requires a declarant to appear before a notary public or consular official for matters where public policy dictates that an oath or affirmation take place before an appropriate officer. These exceptions include an oath of office, real estate transfers and mortgages, and authentication of wills.

For these reasons, we urge the Committee to recommend that the House pas H5597.

We will do our best to answer any questions you may have.

Very truly yours,

Thomas S. Hemmendinger, Chair