

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 17-0921.01 Thomas Morris x4218

SENATE BILL 17-154

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Wist,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE "UNIFORM UNSWORN DECLARATIONS ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Colorado Commission on Uniform State Laws. Colorado has adopted the "Uniform Unsworn Foreign Declarations Act", which allows the use of foreign unsworn declarations in a wide variety of situations. The bill expands the uniform law to include domestic unsworn declarations as contemplated by the "Uniform Unsworn Declarations Act".

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 21, 2017

SENATE
Amended 2nd Reading
February 17, 2017

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-55-301 as
3 follows:

4 **12-55-301. Short title.** THE SHORT TITLE OF this part 3 ~~may be~~
5 ~~cited as~~ IS the "Uniform Unsworn ~~Foreign~~ Declarations Act".

6 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-55-303 as
7 follows:

8 **12-55-303. Applicability.** This part 3 applies to an unsworn
9 declaration by a declarant who at the time of making the declaration is
10 physically located WITHIN OR outside the boundaries of the United States
11 whether or not the location is subject to the jurisdiction of the United
12 States. ~~This part 3 does not apply to a declaration by a declarant who is~~
13 ~~physically located on property that is within the boundaries of the United~~
14 ~~States and subject to the jurisdiction of another country or a federally~~
15 ~~recognized Indian tribe.~~

16 **SECTION 3.** In Colorado Revised Statutes, 12-55-304, amend
17 (a) as follows:

18 **12-55-304. Validity of unsworn declaration.** (a) THIS PART 3
19 APPLIES ONLY TO THE USE OF AN UNSWORN DECLARATION IN A STATE
20 COURT. Except as otherwise provided in subsection (b) of this section, if
21 a law of this state requires or permits use of a sworn declaration, an
22 unsworn declaration meeting the requirements of this part 3 has the same
23 effect as a sworn declaration.

24 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-55-306 as
25 follows:

26 **12-55-306. Form of unsworn declaration.** An unsworn
27 declaration under this part 3 must be in substantially the following form:

1 I declare under penalty of perjury under the law of
2 Colorado that the foregoing is true and correct. ~~and that I~~
3 ~~am physically located outside the geographic boundaries of~~
4 ~~the United States, Puerto Rico, the United States Virgin~~
5 ~~Islands, and any territory or insular possession subject to~~
6 ~~the jurisdiction of the United States.~~

7 Executed on the ____ day of _____, _____,
8 (date) (month) (year)

9 at _____
10 (city or other location, and state OR country)

11 _____
12 (printed name)

13 _____
14 (signature)

15 **SECTION 5.** In Colorado Revised Statutes, 18-8-501, **amend**
16 (2)(a)(IV) as follows:

17 **18-8-501. Definitions.** The definitions in sections 18-8-101 and
18 18-8-301 are applicable to this part 5, and, in addition to those
19 definitions:

20 (2) (a) "Oath" includes an affirmation and every other mode
21 authorized by law of attesting to the truth of that which is stated. For the
22 purposes of this section, written statements shall also be treated as if
23 made under oath if:

24 (IV) The statement meets the requirements for an unsworn
25 declaration under the "Uniform Unsworn ~~Foreign~~ Declarations Act", part
26 3 of article 55 of title 12. ~~C.R.S.~~

27 **SECTION 6. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 9, 2017, if adjournment sine die is on May 10,
4 2017); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2018 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

10 (2) This act applies to conduct occurring on or after the applicable
11 effective date of this act.