



# Legislative Council Staff

## Research Note

Version: Final

Date: 5/16/2017

### Bill Number

**Senate Bill 17-154**

### Sponsors

**Senator Gardner  
Representative Wist**

### Short Title

***Uniform Unsworn Declarations  
Act Include Domestic***

### Research Analyst

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### Status

This research note reflects the final version of the bill, which becomes effective August 9, 2017, assuming no referendum petition is filed.

### Background

Colorado adopted the Uniform Unsworn Foreign Declarations Act (UUFDA) in 2009. The UUFDA permits the use in state law proceedings of unsworn declarations made by declarants who are physically outside U.S. boundaries when making the declaration. Under the UUFDA, if an unsworn declaration is made subject to penalties for perjury and contains the information in the model form provided in the act, then the statement may be used as an equivalent of a sworn declaration. In Colorado, the UUFDA does not apply to a deposition, an oath of office, an oath required to be given in front of a certified official other than a notary public, a declaration for the purposes of conveying and recording title to real property or a declaration required to be recorded for purposes of registering title to real property, and an oath required for a self-proved will. The Uniform Unsworn Declarations Act, generally, expands upon the UUFDA to permit the use in state courts of certain declarations made while physically inside U.S. boundaries.

According to the Uniform Law Commission (ULC), the UUFDA has been enacted in 21 states, including Colorado, and has been introduced in Nebraska during its current legislative session. Colorado is the first state to consider the Uniform Unsworn Declarations Act.

This bill was approved by the Colorado Commission on Uniform State Laws. That Colorado commission is charged with working with the national ULC to promote uniformity in state laws where uniformity may be deemed desirable and practicable. The Office of Legislative Legal Services provides assistance to the legislative members of the Colorado Commission in their efforts to enact legislation regarding uniform acts.

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## Senate Action

**Senate Judiciary Committee (February 8, 2017).** The committee referred the bill to the Committee of the Whole, with a recommendation that it be placed on the consent calendar.

**Senate second reading (February 17, 2017).** The Senate adopted amendment L.002, which permits unsworn declarations to be used only in state court proceedings, and passed the bill, as amended, on second reading.

**Senate third reading (February 21, 2017).** The Senate passed the bill on third reading with no amendments.

**Senate consideration of House amendments (March 22, 2017).** The Senate concurred with House amendments and repassed the bill.

## House Action

**House Judiciary Committee (March 14, 2017).** The committee adopted amendment L.003, which clarifies that an unsworn declaration made in accordance with the bill's provisions has the same effect as a sworn declaration in a court proceeding. The committee referred the bill, as amended, to the House Committee of the Whole.

**House second reading (March 20, 2017).** The House adopted the House Judiciary Committee report, and passed the bill on second reading with no amendments.

**House third reading (March 21, 2017).** The House passed the bill on third reading with no amendments.