

CHAPTER 130

PROFESSIONS AND OCCUPATIONS

SENATE BILL 17-154

BY SENATOR(S) Gardner, Cooke, Crowder, Holbert, Kagan, Priola, Tate;
also REPRESENTATIVE(S) Wist, Lee, Liston, McKean, Neville P., Saine, Williams D.

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

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

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

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

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

12-55-303. Applicability. This part 3 applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located WITHIN OR outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States. ~~This part 3 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 Indian tribe.~~

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

12-55-304. Validity of unsworn declaration. (a) Except as otherwise provided in subsection (b) of this section, if a law of this state requires or permits use of a sworn declaration IN A COURT PROCEEDING, an unsworn declaration meeting the requirements of this part 3 has the same effect as a sworn declaration.

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

I declare under penalty of perjury under the law of Colorado 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 _____, _____,
(date) (month) (year)

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

(printed name)

(signature)

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

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

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

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

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

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

Approved: April 13, 2017