Sixty-third Legislative Assembly of North Dakota

## **HOUSE BILL NO. 1406**

Introduced by

Representatives Hogan, K. Koppelman, Silbernagel Senators Axness, Grabinger, Sitte

- 1 A BILL for an Act to create and enact a new section to chapter 31-04 of the North Dakota
- 2 Century Code, relating to unsworn declarations; and to amend and reenact sections 31-04-02
- 3 and 31-04-07 of the North Dakota Century Code, relating to affidavits; and to provide a penalty.

## 4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1. AMENDMENT.** Section 31-04-02 of the North Dakota Century Code is amended and reenacted as follows:
- 7 31-04-02. Affidavit defined.
- 8 An affidavit is a written declaration under oath made without notice to the adverse-
- 9 partymeans a sworn written declaration made before an officer authorized to administer oaths
- or an unsworn written declaration made under penalty of perjury as provided in section 3 of this
- 11 Act.

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- 12 **SECTION 2. AMENDMENT.** Section 31-04-07 of the North Dakota Century Code is
- 13 amended and reenacted as follows:
- 14 31-04-07. Where and how affidavits may be made.
- An affidavit may be made in or out of this state before any person authorized to administer an oath.
- SECTION 3. A new section to chapter 31-04 of the North Dakota Century Code is created and enacted as follows:

## <u>Unsworn declarations under penalty of perjury - Penalty.</u>

Except as provided in subsection 3, whenever, under any law of this state or under
any rule, regulation, order, or requirement made under the law of this state, any matter
is required or permitted to be supported, evidenced, established, or proved by an
individual's sworn written declaration, verification, certificate, oath, or affidavit, the
matter may with like force and effect be supported, evidenced, established, or proved

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1		by the unsworn written declaration, certificate, verification, or statement that is
2		subscribed by the individual as true under penalty of perjury in substantially the
3		following form:
4		a. If executed within the state: "I declare (or certify, verify, or state) under penalty of
5		perjury that the foregoing is true and correct.
6		
7		(Date and place) (Signature)"
8		b. If executed in any place outside the state: "I declare (or certify, verify, or state)
9		under penalty of perjury under the laws of the state of North Dakota that the
10		foregoing is true and correct.
11		
12		(Date and place) (Signature)"
13	<u>2.</u>	A deliberate falsification in any declaration under this section constitutes the offense of
14		perjury as provided in section 12.1-11-01 and is punishable as the offense of false
15		statements as provided in section 12.1-11-02. A declaration under penalty of perjury
16		executed in accordance with any provision of state law is not limited to the official
17		proceedings referenced in section 12.1-11-01.
18	<u>3.</u>	This section does not apply to writings requiring an acknowledgment, deposition, oath
19		of office, or oath required to be taken before a special official other than a notary
20		public.