

**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  
6 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 party means a sworn written declaration made before an officer authorized to administer oaths  
10 or an unsworn written declaration made under penalty of perjury as provided in section 3 of this  
11 Act.

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.**

15 An affidavit may be made in or out of this state ~~before any person authorized to administer~~  
16 ~~an oath.~~

17 **SECTION 3.** A new section to chapter 31-04 of the North Dakota Century Code is created  
18 and enacted as follows:

19 **Unsworn declarations under penalty of perjury - Penalty.**

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

