



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 688 (as reported without amendment)
Senate Bill 689 (Substitute S-1 as reported)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

Senate Bill 688 would amend the Michigan Penal Code to specify that the felony penalty for perjury for willfully swearing falsely in an oath (up to 15 years' imprisonment) would apply to a person who willfully made a false declaration in a signed record. "Record" would mean information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. "Signed" would mean the person did either of the following to authenticate or adopt the record: executed or adopted a tangible symbol, or attached to or logically associated with the record an electronic symbol, sound, or process.

Senate Bill 689 (S-1) would add Chapter 21A, the "Uniform Unsworn Foreign Declarations Act", to the Revised Judicature Act (RJA). Chapter 21A would apply to an unsworn declaration by a declarant who was physically located outside the boundaries of the United States and its territories or insular possessions, whether or not the location was subject to U.S. jurisdiction. The chapter would do all of the following:

- Specify that an unsworn declaration meeting the requirements of Chapter 21A would have the same effect as a sworn declaration.
- Provide that the chapter would not apply to a deposition or certain oaths or declarations.
- Describe the form required of an unsworn declaration under the chapter.
- Require an unsworn declaration to be in the particular medium, if any, required for a sworn declaration under Michigan law.
- Specify that Chapter 21A would modify, limit, and supersede the Federal Electronic Signature in Global and National Commerce Act, except for certain purposes.

The bill also would amend Chapter 21 (Evidence) of the RJA to delete a provision for authentication by a consul general of an affidavit taken outside of the United States.

"Unsworn declaration" would mean a declaration in a signed record that is not given under oath, but is given under penalty of perjury. "Boundaries of the United States" would mean the geographic boundaries of the U.S., Puerto Rico, the U.S. Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

The bills are tie-barred and would take effect on July 1, 2012.

MCL 750.423 (S.B. 688)
600.2102 et al. (S.B. 689)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 10-13-11

Fiscal Analyst: Matthew Grabowski