

CHAPTER 283
FORMERLY
HOUSE BILL NO. 313

AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO UNSWORN DECLARATIONS UNDER PENALTY OF PERJURY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 39, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3927 Unsworn declarations under penalty of perjury.

(a) To the extent authorized by Court Rule, any matter, except as otherwise provided in subsection (b) of this section, that is required or permitted by the laws of this State to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same, such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, verification, certificate, or statement, in writing of such person which is subscribed by him or her, as true under penalty of perjury, and dated, in substantially the following form:

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

Executed on the _____ day of _____ (month) _____ (year).

_____ (Printed Name)

_____ (Signature)

(b) This section shall be inapplicable to the same extent as provided in § 5354(b), Title 10 of the Delaware Code.

Section 2. Amend § 1224, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1224. Definition of “swears falsely.”

A person “swears falsely” when the person intentionally makes a false statement or affirms the truth of a false statement previously made, knowing it to be false or not believing it to be true, while giving testimony or under oath in a written instrument or in an unsworn declaration made pursuant to Chapter 53A of Title 10 or § 3927 of Title 10. A false swearing in a written instrument is not complete until the instrument is delivered by its maker, or by someone acting in the maker’s behalf to another person with intent that it be uttered or published as true. A person who gives an oral and/or written statement while granted the privilege of the floor during a session of the House of Representatives or Senate of the General Assembly, whether or not that person is under oath, gives testimony within the scope of this section.

Approved June 28, 2016