

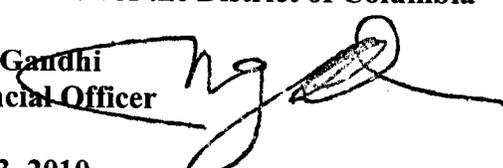
**Government of the District of Columbia
Office of the Chief Financial Officer**



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Vincent C. Gray
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: February 23, 2010

SUBJECT: Fiscal Impact Statement – “Uniform Unsworn Foreign Declarations Act of 2009”

REFERENCE: Bill Number 18-427, Draft Committee Print

Conclusion

Funds are sufficient in the proposed FY 2010 through FY 2013 budget and financial plan to implement the proposed legislation.

Background

The proposed legislation would amend Title 16 of the D.C. Official Code by inserting a new chapter, Chapter 53. Unsworn Foreign Declarations: Uniform Act, that would permit a person physically located outside of the United States to make an unsworn declaration, subject to the penalties for perjury, which has the same effect of a sworn declaration.¹ It would provide a sample form for an unsworn declaration and also would require that, if necessary, the unsworn declaration be presented in the same medium as a sworn declaration. Lastly, the proposed legislation amends the District of Columbia Theft and White Collar Crimes Act of 1982² by expanding the definition of perjury to include “any declaration, certificate, statement, verification, or statement under penalty of perjury” in order to ensure that false statements made in unsworn declarations would be considered an offense of perjury.

Prior to September 11, 2001, persons living in foreign countries could go to a U.S. Embassy or Consular’s office to make a sworn declaration in order to provide information that could be used in legal proceedings in the United States. However, due to changes in security processes after

¹ The legislation would not apply to a deposition, an oath of office, an oath required to be given before a specified official other than a notary public, or a declaration to be recorded with Recorder of Deeds.

² Effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2402(a)).

September 11, access to these offices has been severely restricted such that making such sworn declarations is no longer possible. In light of this constraint, the proposed legislation provides another way to obtain this information.

Financial Plan Impact

Funds are sufficient in the FY 2010 through FY 2013 budget and financial plan to implement the proposed legislation. Allowing for unsworn declarations by persons physically located outside of the United States to be subject to perjury would have no effect on the budget and financial plan.