

Act No. 44
Public Acts of 1990
Approved by the Governor
March 29, 1990
Filed with the Secretary of State
March 29, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Van Regenmorter, Nye, DeMars, Stupak, Fitzgerald, Bandstra, Strand, Ciaramitaro,
London, Gubow and Maynard

ENROLLED HOUSE BILL No. 4485

AN ACT to amend section 1440 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," being section 600.1440 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1440 of Act No. 236 of the Public Acts of 1961, being section 600.1440 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1440. (1) An oath or affidavit other than an oath taken by a witness or a juror in a trial, or an oath required by law to be taken before a particular officer, may be taken before a justice, judge, or clerk of a court, or before a notary public.

(2) If the person making the oath, affidavit, or an affirmation is serving in or with the armed forces of the United States, or is a civilian employee of the armed forces, or is a dependent of a person serving in or with the armed forces or of a civilian employee thereof, whether serving in or outside of the territorial limits of the United States, such oath or affirmation may be administered by any commissioned officer in active service of the armed forces of the United States.

(3) An instrument sworn or affirmed before a military officer pursuant to this section is not invalid because the instrument fails to state the place where the oath or affirmation was taken. An authentication of a military officer's authority to administer the oath or affirmation is not required, but the officer administering the oath or affirmation shall indorse and attach to the instrument a certificate containing all of the following:

(a) A statement that the affiant or affirmant is known to be, or has satisfactorily proved to the officer that he or she is, a member of the armed forces of the United States or the dependent of a member, or a civilian employee of the armed forces or the dependent of a civilian employee.

(b) A statement that the officer is a commissioned officer in active service with the armed forces.

(c) A statement of the officer's rank, and the command to which he or she is attached.

(4) An instrument sworn or affirmed before a military officer pursuant to this section has the same force and effect as an instrument sworn or affirmed before any officer authorized by law to administer an oath or affirmation.

(5) If an acknowledgment is taken before a military officer, the certificate shall be substantially in the following form:

On this, the _____ day of _____, 19____, before me, _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proved) to be serving in or with the armed forces of the United States, or who is known to be or has satisfactorily proved that he or she is the dependent of a member, a civilian employee of the armed forces or the dependent of a civilian employee, and who is the person whose name is subscribed to the foregoing _____ and made oath that he or she knows the contents of the foregoing, and the foregoing is true to the best of his or her knowledge, except as to matters stated to be of information and belief, and as to those matters _____ he or she _____ believes them to be true. I am a commissioned officer of the rank stated below, and I am a member of the armed forces of the United States.

Signature of officer

Rank of officer, and command to which attached

(6) If an oath or affirmation is administered by electronic or electromagnetic means of communication pursuant to section 1 of Act No. 189 of the Public Acts of 1966, being section 780.651 of the Michigan Compiled Laws, or pursuant to section 1 of chapter IV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 764.1 of the Michigan Compiled Laws, the oath or affirmation is considered to be administered before the justice, judge, or district court magistrate.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

- (a) House Bill No. 4484 .
- (b) House Bill No. 4483 .
- (c) House Bill No. 4486 .

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved _____

Governor.

