

# HOUSE BILL No. 4485

March 21, 1989, Introduced by Reps. Van Regenmorter, Nye, DeMars, Stupak, Fitzgerald, Bandstra, Strand, Ciaramitaro, London, Gubow and Maynard and referred to the Committee on Judiciary.

A bill to amend section 1440 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

being section 600.1440 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4       Sec. 1440. (1) ~~Whenever any~~ AN oath or affidavit ~~is or~~  
5 ~~may be required or authorized by law in any cause, matter, or~~  
6 ~~proceeding, except oaths to witnesses and jurors in the trial of~~  
7 ~~a cause, and such other oaths as are or may be~~ OTHER THAN AN  
8 OATH TAKEN BY A WITNESS OR A JUROR IN A TRIAL, OR AN OATH  
9 required by law to be taken before A particular ~~officers, the~~

1 ~~same~~ OFFICER, may be taken before ~~any~~ A justice, judge, or  
2 clerk of ~~any~~ A court, or BEFORE A notary public.

3 (2) If the person making the oath, affidavit, or an affirma-  
4 tion is serving in or with the armed forces of the United States,  
5 or is a civilian employee of the armed forces, or is a dependent  
6 of a person serving in or with the armed forces or of a civilian  
7 employee thereof, whether serving in or outside of the territo-  
8 rial limits of the United States, such oath or affirmation may be  
9 administered by any commissioned officer in active service of the  
10 armed forces of the United States.

11 (3) ~~The oath or~~ AN instrument sworn ~~to~~ or affirmed  
12 BEFORE A MILITARY OFFICER PURSUANT TO THIS SECTION is not  
13 ~~rendered~~ invalid ~~by the failure to state therein~~ BECAUSE THE  
14 INSTRUMENT FAILS TO STATE the place ~~wherein~~ WHERE the oath or  
15 affirmation was taken. An authentication of ~~the~~ A MILITARY  
16 officer's authority to administer the oath or affirmation is not  
17 required, but the officer administering the ~~same~~ OATH OR  
18 AFFIRMATION shall indorse ~~thereon~~ and attach ~~thereto~~ TO THE  
19 INSTRUMENT a certificate containing ~~, in addition to the requi-~~  
20 ~~site or appropriate contents of such certificate, a~~ ALL OF THE  
21 FOLLOWING:

22 (A) A statement ~~to the effect~~ that the affiant or affi-  
23 rmant is known TO BE, or HAS satisfactorily ~~proven~~ PROVED to  
24 ~~such~~ THE officer ~~to be serving in or with~~ THAT HE OR SHE IS,  
25 A MEMBER OF the armed forces of the United States ~~and~~ OR THE  
26 DEPENDENT OF A MEMBER, OR A CIVILIAN EMPLOYEE OF THE ARMED FORCES  
27 OR THE DEPENDENT OF A CIVILIAN EMPLOYEE.

1 (B) A STATEMENT that the officer ~~so certifying~~ is ~~at the~~  
 2 ~~date of his or her certificate~~ a commissioned officer in active  
 3 service ~~of~~ WITH the armed forces. ~~and shall set forth his or~~  
 4 ~~her~~

5 (C) A STATEMENT OF THE OFFICER'S rank, and the command to  
 6 which he or she is attached. ~~and any~~

7 (4) AN instrument ~~so~~ sworn ~~to~~ or affirmed BEFORE A MILI-  
 8 TARY OFFICER PURSUANT TO THIS SECTION has the same force and  
 9 effect as ~~it would have had if~~ AN INSTRUMENT sworn ~~to~~ OR  
 10 AFFIRMED before any ~~of the officers now~~ OFFICER authorized by  
 11 law to administer ~~oaths and affirmations~~ AN OATH OR  
 12 AFFIRMATION.

13 (5) ~~(4) In cases where the~~ IF AN acknowledgment is taken  
 14 before a military officer, the certificate shall be substantially  
 15 in the following form:

16 On this, the.....day of ....., 19....., before me,  
 17 ....., the undersigned officer, personally appeared .....,  
 18 known to me (or satisfactorily ~~proven~~ PROVED) to be serving in  
 19 or with the armed forces of the United States, ~~(or to be~~ OR WHO  
 20 IS KNOWN TO BE OR HAS SATISFACTORILY PROVED THAT HE OR SHE IS THE  
 21 DEPENDENT OF A MEMBER, a civilian employee of the armed forces ~~→~~  
 22 ~~or a dependent of a person serving in or with the armed forces or~~  
 23 ~~of a civilian employee thereof) and to be~~ OR THE DEPENDENT OF A  
 24 CIVILIAN EMPLOYEE, AND WHO IS the person whose name is subscribed  
 25 to the foregoing ..... and made oath that he or she knows the  
 26 contents ~~thereof~~ OF THE FOREGOING, and the ~~same~~ FOREGOING is  
 27 true TO THE BEST of his ~~own~~ OR HER knowledge, except as to

1 ~~matter~~ MATTERS stated ~~therein~~ to be ~~on~~ OF information and  
 2 belief, and as to those matters ..... he or she ..... believes  
 3 ~~it~~ THEM to be true. ~~, and the undersigned certifies that he~~  
 4 ~~or she is at the date of this certificate~~ I AM a commissioned  
 5 officer of the rank stated below, and ~~is in~~ I AM A MEMBER OF  
 6 the armed forces of the United States.

7 .....  
 8 Signature of officer

9 .....  
 10 Rank of officer, and command to which attached

11 (6) IF AN OATH OR AFFIRMATION IS ADMINISTERED BY ELECTRONIC  
 12 OR ELECTROMAGNETIC MEANS OF COMMUNICATION PURSUANT TO SECTION 1  
 13 OF ACT NO. 189 OF THE PUBLIC ACTS OF 1966, BEING SECTION 780.651  
 14 OF THE MICHIGAN COMPILED LAWS, OR PURSUANT TO SECTION 1 OF CHAP-  
 15 TER IV OF THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE  
 16 PUBLIC ACTS OF 1927, BEING SECTION 764.1 OF THE MICHIGAN COMPILED  
 17 LAWS, THE OATH OR AFFIRMATION IS CONSIDERED TO BE ADMINISTERED  
 18 BEFORE THE JUSTICE, JUDGE, OR DISTRICT COURT MAGISTRATE.

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

22 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4484 (request  
 23 no. 01598'89 \*\*).

24 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4483 (request  
 25 no. 01598'89 a \*\*).

26 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4486 (request  
 27 no. 01598'89 c \*\*).