

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1080

Introduced by DeBoer, 10.

Read first time January 15, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1241
2 and 25-1244, Reissue Revised Statutes of Nebraska, sections 28-915
3 and 28-915.01, Revised Statutes Cumulative Supplement, 2024, and
4 section 49-1808, Revised Statutes Supplement, 2025; to provide for
5 the use of unsworn declarations in civil proceedings as prescribed;
6 to change and transfer provisions relating to affidavits; to define
7 terms; to change provisions relating to the offenses of perjury,
8 making a false statement under oath or affirmation, and unsworn
9 attorney declarations under the Uniform Unsworn Foreign Declarations
10 Act; to harmonize provisions; to repeal the original sections; and
11 to outright repeal section 25-1245, Reissue Revised Statutes of
12 Nebraska.
- 13 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 25-1241, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-1241 (1)(a) An affidavit is a document that is signed by a person
4 under oath before an officer who is authorized by law to administer oaths
5 to persons in the place where the affidavit is signed and who verifies
6 the identity of the person signing the affidavit.

7 (b) An affidavit must contain the officer's signature, notary seal,
8 title, and commission expiration date. The person signing the affidavit
9 must do so in the physical presence of the officer or, when authorized by
10 law, in the online presence of the officer.

11 (c) An affidavit may be signed within or outside this state. The
12 fact that an attorney represents a party in any proceeding in any court
13 of this state shall not disqualify such attorney as an officer before
14 whom an affidavit may be signed.

15 (2)(a) An unsworn declaration is a document that is signed by a
16 person within the boundaries of the United States and contains language
17 substantially the same as the following: "I declare (or certify, verify,
18 or state) under penalty of perjury under the laws of the State of
19 Nebraska that everything I have stated in this document is true and
20 correct."

21 (b) An unsworn declaration shall state (i) the date on which it was
22 signed and (ii) both the county or political subdivision and the state,
23 commonwealth, territory, or possession where it was signed.

24 (3) For purposes of this section, boundaries of the United States
25 means the geographic boundaries of the United States, Puerto Rico, the
26 United States Virgin Islands, and any territory or insular possession
27 subject to the jurisdiction of the United States. An affidavit is a
28 written declaration under oath, made without notice to the adverse party.

29 **Sec. 2.** Section 25-1244, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 25-1244 (1) In a civil proceeding in any court of this state, an An

1 affidavit may be used:

2 (a) To to verify a pleading; ~~τ~~

3 (b) To to prove the service of a summons_or ~~τ~~ notice of or other
4 process ~~τ~~ in an action; ~~τ~~

5 (c) To to obtain a provisional remedy_or ~~τ~~ an examination of a
6 witness, a stay of proceedings; ~~τ~~

7 (d) To support or oppose or upon a motion; ~~τ~~ and

8 (e) For in any other purpose ease permitted by law.

9 (2) An unsworn declaration may be used instead of an affidavit for
10 any purpose for which an affidavit may be used in a civil proceeding in
11 any court of this state, except:

12 (a) For the purpose of supporting a motion, application, or petition
13 for a court order without notice to the adverse party; or

14 (b) For a purpose for which a statute or Supreme Court rule
15 specifically prohibits the use of an unsworn declaration.

16 **Sec. 3.** Section 28-915, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 28-915 (1) A person is guilty of perjury if, in any (a) official
19 proceeding he or she makes a false statement under oath or equivalent
20 affirmation, or swears or affirms the truth of a statement previously
21 made, when the statement is material and he or she does not believe it to
22 be true or (b) official proceeding in the State of Nebraska he or she
23 makes a false statement under penalty of perjury in any unsworn
24 declaration meeting the requirements of the Uniform Unsworn Foreign
25 Declarations Act or section 25-1241 or 49-1808, under penalty of perjury
26 when the statement is material and he or she does not believe it to be
27 true. Perjury is a Class III felony.

28 (2) A person is guilty of subornation of perjury if he or she
29 persuades, procures, or suborns any other person to commit perjury.
30 Subornation of perjury is a Class III felony.

31 (3) A falsification shall be material, regardless of the

1 admissibility of the statement under rules of evidence, if it could have
2 affected the course or outcome of the proceeding. It shall not be a
3 defense that the declarant mistakenly believed the falsification to be
4 immaterial. Whether a falsification is material in a given factual
5 situation shall be a question of law.

6 (4) It shall not be a defense to prosecution under this section that
7 the oath or affirmation was administered or taken in an irregular manner
8 or that the declarant was not competent to make the statement. A document
9 purporting to be made upon oath or affirmation at any time when the actor
10 presents it as being so verified shall be deemed to have been duly sworn
11 or affirmed. A document purporting to meet the requirements of the
12 Uniform Unsworn Foreign Declarations Act or section 25-1241 or 49-1808
13 shall be deemed to have been made under penalty of perjury.

14 (5) No person shall be guilty of an offense under this section if he
15 or she retracted the falsification in the course of the proceeding in
16 which it was made before it became manifest that the falsification was or
17 would be exposed and before the falsification substantially affected the
18 proceeding.

19 (6) When the defendant made inconsistent statements under oath or
20 equivalent affirmation, both having been made within the period of the
21 statute of limitations, the prosecution may proceed by setting forth the
22 inconsistent statements in a single count alleging in the alternative
23 that one or the other was false and not believed by the defendant. In
24 such case it shall not be necessary for the prosecution to prove which
25 statement was false but only that one or the other was false and not
26 believed by the defendant to be true.

27 (7) No person shall be convicted of an offense under this section
28 when proof of falsity rests solely upon contradiction by testimony of a
29 single person other than the defendant.

30 **Sec. 4.** Section 28-915.01, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 28-915.01 (1) A person who makes a false statement under oath or
2 equivalent affirmation, or swears or affirms the truth of such a
3 statement previously made, or makes a false statement in an unsworn
4 declaration that meets the requirements of the Uniform Unsworn Foreign
5 Declarations Act or section 25-1241 or 49-1808, when he or she does not
6 believe the statement to be true, is guilty of a Class I misdemeanor if
7 the falsification:

8 (a) Occurs in an official proceeding; or

9 (b) Is intended to mislead a public servant in performing his or her
10 official function.

11 (2) A person who makes a false statement under oath or equivalent
12 affirmation, or swears or affirms the truth of such a statement
13 previously made, or makes a false statement in an unsworn declaration
14 that meets the requirements of the Uniform Unsworn Foreign Declarations
15 Act, when he or she does not believe the statement to be true, is guilty
16 of a Class II misdemeanor if the statement is one which is required by
17 law to be sworn or affirmed before a notary or other person authorized to
18 administer oaths.

19 (3) A person who makes a false statement in an unsworn declaration
20 that meets the requirements of section 25-1241 or 49-1808 and is used for
21 any purpose authorized by such section, when such person does not believe
22 the statement to be true, is guilty of a Class II misdemeanor.

23 (4) {3} Subsections (4) through (7) of section 28-915 shall apply to
24 subsections (1) through (3) and ~~(2)~~ of this section.

25 (5) {4} This section shall not apply to reports, statements,
26 affidavits, or other documents made or filed pursuant to the Nebraska
27 Political Accountability and Disclosure Act.

28 **Sec. 5.** Section 49-1808, Revised Statutes Supplement, 2025, is
29 amended to read:

30 49-1808 (1) For purposes of this section, statement includes any
31 statement, declaration, verification, certificate, oath, or affidavit.

1 ~~(2) Except as provided in subsection (3) of this section, wherever~~
2 any matter that is required or permitted to be supported, evidenced,
3 established, or proved by the sworn written statement ~~declaration,~~
4 ~~verification, certificate, statement, oath, or affidavit, in writing, of~~
5 an attorney, whose signature is required by virtue of the attorney's
6 representation of a party in an action, ~~making the same (other than a~~
7 ~~deposition, an oath of office, or an oath required to be taken before a~~
8 ~~specified official other than a notary public), such matter may, with~~
9 like force and effect, be supported, evidenced, established, or proved by
10 an the unsworn written statement ~~declaration, certificate, verification,~~
11 ~~or statement, in writing, of such attorney which: (a) Is signed is~~
12 ~~subscribed~~ by the attorney, as true under penalty of perjury, (b) states
13 the county or political subdivision and the state where it is signed, (c)
14 states the date on which it is signed, and (d) is dated, in substantially
15 the following form:

16 ~~(1) If executed outside of the State of Nebraska: I declare (or~~
17 certify, verify, or state) under penalty of perjury under the laws of the
18 State of Nebraska that everything that I have stated in this document the
19 foregoing is true and correct. ~~Executed on (date). (Signature); or~~

20 Executed on the day of,, at
21 (date) (month) (year)

22 ,
23 (county or political subdivision, and state)

24
25 (printed name)

26
27 (signature)

28 (3) An unsworn written statement under subsection (2) of this
29 section shall not be used for a deposition, an oath of office, or an oath
30 required to be taken before a specified official other than a notary
31 public.

1 ~~(2) If executed within the State of Nebraska: I declare under~~
2 ~~penalty of perjury that the foregoing is true and correct. Executed on~~
3 ~~(date). (Signature).~~

4 **Sec. 6.** Original sections 25-1241 and 25-1244, Reissue Revised
5 Statutes of Nebraska, sections 28-915 and 28-915.01, Revised Statutes
6 Cumulative Supplement, 2024, and section 49-1808, Revised Statutes
7 Supplement, 2025, are repealed.

8 **Sec. 7.** The following section is outright repealed: Section
9 25-1245, Reissue Revised Statutes of Nebraska.