

TITLE 9
EVIDENCE

CHAPTER 14
ADMINISTRATION OF OATHS AND AFFIRMATIONS

9-1401. WHO MAY ADMINISTER OATHS. Every court, every judge or clerk of any court, every justice and every notary public, the secretary of state, and every officer or person authorized to take testimony in any action or proceeding, or to decide upon evidence, has power to administer oaths or affirmations.

[(9-1401) C.C.P. 1881, sec. 992; R.S., R.C., & C.L., sec. 6127; C.S., sec. 8064; I.C.A., sec. 16-1401.]

9-1402. FORM OF OATH. An oath or affirmation in an action or proceeding, may be administered as follows, the person who swears or affirms, expressing his assent when addressed, in the following form:

You do solemnly swear (or affirm, as the case may be), that the evidence you shall give in the issue (or matter), pending between and, shall be the truth, the whole truth, and nothing but the truth, so help you God.

[(9-1402) C.C.P. 1881, sec. 993; R.S., R.C., & C.L., sec. 6128; C.S., sec. 8065; I.C.A., sec. 16-1402.]

9-1403. PECULIAR FORMS OF OATHS. Whenever the court before which a person is offered as a witness is satisfied that he has a peculiar mode of swearing, connected with, or in addition to, the usual form of administration, which, in his opinion, is more solemn or obligatory, the court may, in its discretion, adopt that mode.

[(9-1403) C.C.P. 1881, sec. 994; R.S., R.C., & C.L., sec. 6129; C.S., sec. 8066; I.C.A., sec. 16-1403.]

9-1404. PECULIAR FORMS OF OATH -- RELIGIONS OTHER THAN CHRISTIAN. When a person is sworn who believes in any other than the Christian religion, he may be sworn according to the peculiar ceremonies of his religion, if there be any such.

[(9-1404) C.C.P. 1881, sec. 995; R.S., R.C., & C.L., sec. 6130; C.S., sec. 8067; I.C.A., sec. 16-1404.]

9-1405. AFFIRMATION IN PLACE OF OATH. Any person who desires it, may, at his option, instead of taking an oath, make his solemn affirmation or declaration, by assenting when addressed, in the following form: "You do solemnly affirm (or declare), that," etc., as above provided.

[(9-1405) C.C.P. 1881, sec. 996; R.S., R.C., & C.L., sec. 6131; C.S., sec. 8068; I.C.A., sec. 16-1405.]

9-1406. CERTIFICATION OR DECLARATION UNDER PENALTY OF PERJURY. (1) Whenever, under any law of this state or under any rule, regulation, order or requirement made pursuant to a law of this state, any matter is required or permitted to be supported, evidenced, established or proved by the sworn

statement, declaration, verification, certificate, oath, affirmation or affidavit, in writing, of the person making the same, other than a deposition, an oath of office or an oath required to be taken before a specified official other than a notary public, such matter may with like force and effect be supported, evidenced, established or proven by the unsworn certification or declaration, in writing, which is subscribed by such person and is in substantially the following form:

"I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct."

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(Date)

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(Signature)

(2) This section shall not apply to acknowledgments.

[9-1406, added 2013, ch. 259, sec. 1, p. 636.]