
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 457 Session of
2003

INTRODUCED BY WAUGH, RAFFERTY, SCHWARTZ AND KASUNIC,
MARCH 11, 2003

REFERRED TO JUDICIARY, MARCH 11, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 judicial oath.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5901 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5901. Judicial oath.

9 (a) General rule.--Every witness, before giving any
10 testimony shall take an oath [in the usual or common form,] or
11 make an affirmation by laying the hand upon an open copy of the
12 Holy Bible, or by lifting up the right hand [and pronouncing or
13 assenting to the following words: "I, A. B., do swear by
14 Almighty God, the searcher of all hearts, that I will ,
15 and that as I shall answer to God at the last great day." Which
16 oath so taken by persons who conscientiously refuse to take an
17 oath in the common form shall be deemed and taken in law to have
18 the same effect as an oath taken in common form.], and providing

1 an affirmative response to either of the following:

2 (1) "Do you solemnly swear that the testimony you shall
3 give in this matter shall be the truth, the whole truth and
4 nothing but the truth, so help you God?"

5 (2) "Do you solemnly affirm that the testimony you shall
6 give in this matter shall be the truth, the whole truth and
7 nothing but the truth, so help you?"

8 (b) Right to affirm.--The affirmation may be administered in
9 any judicial proceeding instead of the oath, and shall have the
10 same effect and consequences, and any witness who desires to
11 affirm shall be permitted to do so.

12 (c) Alternative form.--As an alternative to either the oath
13 or affirmation prescribed in subsection (a), the court may
14 administer an oath, affirmation or declaration in an action or a
15 proceeding in a manner that is calculated to awaken the
16 witness's conscience and impress the witness's mind with the
17 duty to tell the truth. The court shall satisfy itself that the
18 witness testifying understands that his or her testimony is
19 being given under penalty of perjury.

20 Section 2. This act shall take effect in 60 days.