

NOTICE TO THE BAR

SUPREME COURT COMMITTEE ON THE RULES OF EVIDENCE – CORRECTION TO PAGE 7 OF THE COMMITTEE’S 2015-2017 REPORT

The 2015-2017 Report of the Supreme Court Committee on the Rules of Evidence was published for comment by Notice dated February 6, 2017. This notice corrects an error on page 7 of that previously published report, supplying language that was inadvertently omitted.

The Committee in that section of the report recommended a non-religious uniform witness affirmation and amendments to N.J.R.E. 603, 604 and 803(a)(1)(B). The proposed amendment to N.J.R.E. 603 as set forth on page 7 inadvertently omitted the following language: “...and made without use of or reference to any religious text or other artifact and without reference to any deity. Except as provided below, the affirmation shall be administered...”

The corrected full text of the Committee’s recommended amendments to N.J.R.E. 603 thus should read as follows:

603. [OATH OR] AFFIRMATION TO TESTIFY TRUTHFULLY¹

Before testifying a witness shall be required to [take an oath or] make an affirmation to testify truthfully under the penalty provided by law [or declaration to tell the truth under the penalty provided by law]. [No witness may be barred from testifying because of religious belief or lack of such belief.] The affirmation shall be administered **and made without use of or reference to any religious text or other artifact and without reference to any deity.**


Except as provided below, the affirmation shall be administered to all witnesses in the following form:

“Do you solemnly declare and affirm, under penalty of perjury, that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?”

¹ The adoption of amended N.J.R.E. 603, effective _____, will hereinafter govern the administration of the witness attestation ceremony for all witnesses in the state courts of New Jersey. To the extent that N.J.S.A. 41:1-4, -5 and -6 apply to the administration of the witness attestation ceremony for witnesses in the state courts of New Jersey, these statutes shall be of no further force or effect after _____, the effective date of amended N.J.R.E. 603.

The court may alter the form of the affirmation as appropriate when dealing with a minor child or in other exceptional circumstances when alternative language is required for the court to impress upon the witness the legal duty to testify truthfully.

The corrected version of the Committee's report is available on the Judiciary's Internet web site at <http://www.judiciary.state.nj.us/reports2017/index.htm>.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", written over a horizontal line.

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: April 12, 2017