

STAFF MEASURE SUMMARY

House Committee On Rules

Fiscal: No fiscal impact

Revenue: No Revenue Impact

Action Date: 03/01/16

Action: Do Pass.

Meeting Dates: 03/01

Vote:

Yeas: 7 - Barnhart, Hoyle, Huffman, Kennemer, Rayfield, Williamson, Wilson

Nays: 1 - Smith Warner

Exc: 1 - Gilliam

Prepared By: Erin Seiler, Committee Administrator

WHAT THE MEASURE DOES:

Permits administration of affirmation to witnesses in legislative proceedings. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Equivalency to oath for purpose of perjury
- Declaration allowed for those who conscientiously object to taking oath

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

ORS 171.505 provides that the presiding officers, chair or vice-chair of any statutory committee in either the House or Senate of the Legislative Assembly may administer oaths to witnesses in a committee hearing. The effect of placing a witness under oath is to subject the witness to penalties for perjury if the witness does not tell the truth. The Legislative Assembly cannot prosecute someone for perjury but a perjury prosecution could be conducted by a District Attorney's office following an investigation by law enforcement.

If a witness notes their objection to the phrase "so help you God," they may answer in the affirmative, which will be adequate for subsequent testimony to constitute a "sworn statement" for purposes of perjury. In law, an affirmation is a solemn declaration allowed to those who conscientiously object to taking an oath. An affirmation has exactly the same legal effect as an oath, but is usually taken to avoid the religious implications of an oath; it is thus legally binding but not considered a religious oath. Some religious minorities hold beliefs that allow them to make legally binding promises, but forbid them to swear an oath before God.

Senate Bill 1595 permits presiding officers, chair or vice-chair of any statutory committee of the Legislative Assembly to administer oaths or affirmations to witnesses in any proceedings under their examination.