

1 **13-211. Oath to witness.**

2 Do you [and each of you] solemnly swear or affirm under penalty of law that the testimony  
3 you are about to give will be the truth, the whole truth, and nothing but the truth?

4 USE NOTES

5 In some courts, the practice is to call all the witnesses before the bench before any evidence  
6 is taken[<sup>s</sup>] and to swear all witnesses at the same time. In other courts, the practice is to swear each  
7 witness separately before taking the witness stand. Either practice is acceptable in New Mexico.  
8 The foregoing oath is the one that should be used in either event.

9 [As amended, effective January 1, 1987; November 1, 1991; as amended by Supreme Court Order  
10 No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after December 31, 2025.]

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12 **Committee commentary.** — Rule 11-603 NMRA of the Rules of Evidence provides that,  
13 [~~"Before testifying, every witness shall be required to declare that he will testify truthfully, by oath~~  
14 ~~or affirmation administered in a form calculated to awaken his conscience and impress his mind~~  
15 ~~with his duty to do so".~~] "Before testifying, a witness must give an oath or affirmation to testify  
16 truthfully. It must be in a form designed to impress that duty on the witness's conscience."

17 However, there is no judicial ruling regarding a specific form of oath. NMSA 1978, Section 14-  
18 13-1 [~~NMSA 1978~~] (1893), provides requirements of an oath, and NMSA 1978, Section 14-13-2  
19 [~~NMSA 1978~~] (1893), provides requirements for an affirmation in lieu of an oath by anyone having  
20 conscientious scruples against an oath. However, in UJI 14-122 NMRA and in UJI 14-123 NMRA,  
21 the Supreme Court of New Mexico has provided an oath in substantially the same form as provided  
22 in this instruction.

23 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]