

## 1-201. OATHS.

## (A) IN GENERAL.

A REQUIREMENT IN THIS ARTICLE THAT A DOCUMENT BE UNDER OATH MEANS THAT THE DOCUMENT SHALL BE SUPPORTED BY A SIGNED STATEMENT MADE UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE DOCUMENT ARE TRUE TO THE BEST OF THE KNOWLEDGE, INFORMATION, AND BELIEF OF THE INDIVIDUAL MAKING THE STATEMENT.

## (B) PROCEDURES.

THE OATH OR AFFIRMATION SHALL BE MADE:

(1) BEFORE AN INDIVIDUAL AUTHORIZED TO ADMINISTER OATHS, WHO SHALL CERTIFY IN WRITING TO HAVE ADMINISTERED THE OATH OR TAKEN THE AFFIRMATION; OR

(2) BY A SIGNED STATEMENT THAT:

(I) IS IN THE DOCUMENT OR ATTACHED TO AND MADE PART OF THE DOCUMENT; AND

(II) IS MADE EXPRESSLY UNDER THE PENALTIES FOR PERJURY.

## (C) EFFECT OF STATEMENT.

IF THE PROCEDURES PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION ARE USED, THE AFFIDAVIT SUBJECTS THE INDIVIDUAL MAKING IT TO THE PENALTIES FOR PERJURY TO THE SAME EXTENT AS AN OATH OR AFFIRMATION MADE BEFORE AN INDIVIDUAL AUTHORIZED TO ADMINISTER OATHS.

COMMITTEE COMMENT: This section is new language added to allow an affidavit, a signed statement made under the penalties of perjury, to have the effect of being an oath or affirmation without detracting substantively from the purpose and effect of requiring an oath or affirmation. Therefore, an individual who makes an affidavit under this article is subject to the penalties for perjury if the affidavit is false, even if the individual does not appear and make oath before an individual authorized to administer oaths.

This section is patterned after the essential elements of Md. Rule 1-202(b), which defines "affidavit", and Md. Rules 1-303 and 1-304, which prescribe the form of oaths and affidavits. This provision does away with any required notarization.

## 1-202. COMPLIANCE WITH WORKERS' COMPENSATION LAWS.