

**SUBJECT:** Creating certain criminal and educational provisions for a notary public

**COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended

**VOTE:** 8 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Vasut  
0 nays  
1 absent — Slawson

**WITNESSES:** For — Phillip Clark, Dallas County DA’s Office; Jennifer Fogg, Rockwall County Clerk (*Registered, but did not testify*: James Parnell, Dallas Police Association; Joe Morris, Game Warden Peace Officer Association; Ray Hunt, Houston Police Officers Union; Guy Herman, Statutory Probate Courts of Texas; Allen Place, Texas Land Title Association; Mitch Landry, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance; Ware Wendell, Texas Watch)  
  
Against — Martina Gonzalez, All States Surety Bonds, Inc; Azucena Jimenez, Caitlyn Wyche, American Association of Notaries; Anahy Garcia, Imake Stamps; Derrick Huckleberry, Notaries.com; Martin Renteria, Texas Association of Notaries Public, Texas Notary Training Forum; Annette Donker; Tracee Jordan (*Registered, but did not testify*: Kal Tabbara, American Association of Notaries; Judy Lichtenberger, Eagle Eye Signings & Mobile Notary LLC; Henry Salas, Zenzio stamps)  
  
On — JeTaimé Swindell, Secretary of State; Henry Garcia

**BACKGROUND:** Some have suggested that adding education requirements and record retention policies, as well as a criminal penalty for certain notary public actions, could reduce cases of deed fraud involving a notary public that may either be unaware of the fraud or be complicit in it.

**DIGEST:** CSHB 3657 would designate failure to maintain notary records in compliance with state law as a reason that the Secretary of State could

reject a notary public application or suspend or revoke the commission of a notary public. The bill also would require a notary public to retain certain notary records for 10 years from the date of notarization.

CSHB 3657 would establish a criminal offense for a notary public who performed any notarization, other than an online notarization, while knowing that the signer, grantor, or maker of the notarization did not personally appear before the notary public when the notarization was executed.

Such an offense would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), unless the document being notarized involved the transfer of real property, in which case the offense would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

The bill also would establish certain continuing education requirements for a person seeking appointment or reappointment as a notary public.

By January 1, 2024, the Secretary of State would be required to adopt the necessary rules to establish and implement the bill's provisions.

The bill would take effect September 1, 2023 and would apply only to applications for appointment or reappointment of a notary public that were submitted on or after January 1, 2024.