

BILL ANALYSIS

Senate Research Center
76R2199 DAK-F

H.B. 1167
By: Thompson (Ellis)
Jurisprudence
5/10/1999
Engrossed

DIGEST

Currently, a personnel bond must contain an oath sworn to and signed by a defendant in a trial in order for the bond to be sufficient. A pretrial services agency staff member must be a notary public to administer the oath. Consequently, almost all members must be a notary public to ensure the oath can be administered and witnessed 24 hours a day at different locations. Pretrial agency staff administer the personal bond oath roughly 60,000 times a year in Harris County alone, while preparing the necessary paperwork for a defendant's initial court hearing. H.B. 1167 would authorize an employee of a personal bond office to administer oaths or take acknowledgment or proof of a written instrument from personal bond applicants.

PURPOSE

As proposed, H.B. 1167 authorizes an employee of a personal bond office to administer oaths or take acknowledgment or proof of a written instrument from personal bond applicants.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 602.002, Government Code, to authorize an oath made in this state to be administered and a certificate of the fact given by an employee of a personal bond office if the oath is required or authorized by Article 17.04, Code of Criminal Procedure. Makes conforming changes.

SECTION .2 Amends Section 121.001(a), Civil Practice and Remedies Code, to authorize an acknowledgment or proof of a written instrument to be taken in this state by an employee of a personal bond office if the acknowledgment or proof of a written instrument is required or authorized by Article 17.04, Code of Criminal Procedure. Makes conforming changes.

SECTION 3. Emergency clause.
Effective date: upon passage.