

BILL ANALYSIS

Senate Research Center
82R17800 CAE-F

H.B. 3674
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Jurisprudence
5/14/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The State Bar Administration of the Rules of Evidence Committee of the Texas State Bar has proposed to encourage accessibility to government and aid in the orderly administration of justice by allowing the use of unsworn declarations of persons.

H.B. 3674 amends current law relating to the use of an unsworn declaration.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 132.001, Civil Practice and Remedies Code, as follows:

Sec. 132.001. New heading: UNSWORN DECLARATION. (a) Authorizes an unsworn statement, rather than an unsworn declaration made as provided by this chapter by an inmate in the Texas Department of Criminal Justice or in a county jail, except as provided by Subsection (b), to be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law.

(b) Provides that this section, rather than this chapter, does not apply to an oath of office or an oath required to be taken before a specified official other than a notary public.

(c) Requires that an unsworn declaration made under this section be:

(1) in writing; and

(2) subscribed by the person making the declaration as true under penalty of perjury.

(d) Requires that an unsworn declaration made under this section, except as provided by Subsection (e), include a jurat in a certain form. Sets forth the required language.

(e) Requires that an unsworn declaration made under this section by an inmate include a jurat in a certain form set forth under this subsection.

SECTION 2. Repealers: Sections 132.002 (Requirements of Declaration) and 132.003 (Form of Declaration), Civil Practice and Remedies Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.