

By: Frazier

H.B. No. 3425

A BILL TO BE ENTITLED

AN ACT

relating to the administration of certain oaths and the taking of sworn complaints made in criminal cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.06, Code of Criminal Procedure, is amended to read as follows:

Art. 2.06. DISTRICT AND COUNTY ATTORNEYS MAY ADMINISTER CERTAIN OATHS. (a) In this article, "electronic broadcast system" has the meaning assigned by Article 15.03.

(b) For the purposes of this chapter and Chapters 1, 15, and 21, a [purpose mentioned in the two preceding Articles,] district or [and] county attorney is [attorneys are] authorized to administer an oath [oaths].

(c) A district or county attorney may administer an oath as authorized by this article either in person or through an electronic broadcast system.

SECTION 2. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.052 to read as follows:

Art. 15.052. SWEARING OF COMPLAINTS. (a) In this article, "electronic broadcast system" has the meaning assigned by Article 15.03.

(b) An affiant may swear to a complaint before:

(1) a magistrate, district attorney, or county attorney in person or through an electronic broadcast system; or

1 (2) another person authorized to take oaths under
2 Section 602.002, Government Code, in person.

3 SECTION 3. Article 21.22, Code of Criminal Procedure, is
4 amended to read as follows:

5 Art. 21.22. INFORMATION BASED UPON COMPLAINT. An [~~No~~]
6 information may not [~~shall~~] be presented until affidavit has been
7 made by some credible person charging the defendant with an
8 offense. The affidavit shall be filed with the information. It may
9 be sworn to before the district or county attorney [~~who, for that~~
10 ~~purpose, shall have power to administer the oath,~~] or [~~it may be~~
11 ~~made before~~] any other officer authorized by law to administer
12 oaths pursuant to Article 15.052.

13 SECTION 4. The changes in law made by this Act apply only to
14 an oath sworn to on or after the effective date of this Act.

15 SECTION 5. This Act takes effect September 1, 2023.