

By: Smithee

H.B. No. 728

A BILL TO BE ENTITLED

AN ACT

relating to the use of unsworn declarations and certifications.

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

SECTION 1. Section 132.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 132.001. USE ~~[BY INMATES IN LIEU]~~ OF UNSWORN ~~[SWORN]~~ DECLARATION OR CERTIFICATION GENERALLY. (a) Except as provided by Section 132.002 or Subsection (c), if a law of this state or a rule, order, or requirement made under the law of this state requires or permits a matter to be supported, evidenced, established, or proved by a person's sworn statement, declaration, verification, certification, oath, or affidavit made in the person's writing, the matter may with like force and effect be supported, evidenced, established, or proved by the person's unsworn declaration or certification:

(1) in the person's writing;

(2) in which the person certifies or declares that the information in the writing is:

(A) true and correct; and

(B) certified or declared:

(i) under penalty of perjury; and

(ii) under the laws of the State of Texas;

and

(3) that:



1           **(b)** An unsworn declaration made under this section  
2 ~~[chapter]~~ must be:

- 3                   (1) in writing; and  
4                   (2) subscribed by the person making the declaration as  
5 true under penalty of perjury.

6           **(c)** The form of a declaration under this section must be  
7 substantially as follows:

8           "I, \_\_\_\_\_(insert name and inmate indentifying  
9 number from Texas Department of Criminal Justice or county jail),  
10 being presently incarcerated in \_\_\_\_\_(insert Texas  
11 Department of Criminal Justice unit name or county jail name) in  
12 \_\_\_\_\_ County, Texas, declare under penalty of perjury that  
13 the foregoing is true and correct. Executed on \_\_\_\_\_(date)  
14 \_\_\_\_\_ (signature)"

15           **(d)** This section does not apply to:

- 16                   **(1)** an oath of office; or  
17                   **(2)** an oath required to be taken before a specified  
18 official other than a notary public.

19           SECTION 3. Section 132.003, Civil Practice and Remedies  
20 Code, is repealed.

21           SECTION 4. The change in law made by this Act applies only  
22 to a declaration or certification made on or after the effective  
23 date of this Act. A declaration or certification made before the  
24 effective date of this Act is governed by the law in effect  
25 immediately before that date, and that law is continued in effect  
26 for that purpose.

27           SECTION 5. This Act takes effect September 1, 2007.