By: Smithee H.B. No. 728

A BILL TO BE ENTITLED

1	AN ACT
2	relating to the use of unsworn declarations and certifications.
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
4	SECTION 1. Section 132.001, Civil Practice and Remedies
5	Code, is amended to read as follows:
6	Sec. 132.001. USE [BY INMATES IN LIEU] OF UNSWORN [SWORN]
7	DECLARATION OR CERTIFICATION GENERALLY. (a) Except as provided by
8	Section 132.002 or Subsection (c), if a law of this state or a rule,
9	order, or requirement made under the law of this state requires or
10	permits a matter to be supported, evidenced, established, or proved
11	by a person's sworn statement, declaration, verification,
12	certification, oath, or affidavit made in the person's writing, the
13	matter may with like force and effect be supported, evidenced,
14	established, or proved by the person's unsworn declaration or
15	<pre>certification:</pre>
16	(1) in the person's writing;
17	(2) in which the person certifies or declares that the
18	information in the writing is:
19	(A) true and correct; and
20	(B) certified or declared:
21	(i) under penalty of perjury; and
22	(ii) under the laws of the State of Texas;
23	and
24	(3) that:

1	(A) is subscribed by the person; and
2	(B) states the date of execution [Subsection (b),
3	an unsworn declaration made as provided by this chapter by an inmate
4	in the Texas Department of Corrections or in a county jail may be
5	used in lieu of a written sworn declaration, verification,
6	certification, oath, or affidavit required by statute or required
7	by a rule, order, or requirement adopted as provided by law].
8	(b) Except as provided by Section 132.002, the form of a
9	certification or declaration under this section must be
10	substantially as follows:
11	"I certify (or declare) under penalty of perjury under the
12	laws of the State of Texas that the foregoing is true and correct:
13	(date)(signature)"
14	(c) This <u>section</u> [chapter] does not apply to:
15	(1) a deposition;
16	(2) an oath of office; or
17	(3) an oath required to be taken before a specified
18	official other than a notary public.
19	SECTION 2. Section 132.002, Civil Practice and Remedies
20	Code, is amended to read as follows:
21	Sec. 132.002. <u>USE BY INMATES OF UNSWORN</u> [REQUIREMENTS OF]
22	DECLARATION. (a) Except as provided by Subsection (d), an unsworn
23	declaration made under this section by an inmate in the Texas
24	Department of Criminal Justice or in a county jail may be used in
25	lieu of a written sworn declaration, verification, certification,
26	oath, or affidavit required by statute or a rule, order, or
27	requirement adopted under law.

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	<pre>substantially as follows:</pre>
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.