BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes a number of individuals who currently hold office in Texas to administer an oath. Only a retired judge has the ability to administer an oath after the judge's term has ended. There is a concern that while an incumbent of the office is authorized to administer an oath, a former state officer is unable to administer an oath once the former officer leaves office. This is disrespectful of the office and of the person who previously held office.

H.B. 1285 authorizes a former secretary of state, a former lieutenant governor, a former speaker of the house of representatives, a former governor, or a former attorney general to administer an oath in Texas and issue a certificate of the fact.

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 602.002, Government Code, as follows:

> Sec. 602.002. OATH MADE IN TEXAS. Authorizes an oath made in this state to be administered and a certificate of the fact given by certain individuals, including the secretary of state or a former secretary of state, the lieutenant governor or a former lieutenant governor, the speaker of the house of representatives or a former speaker of the house of representatives, the governor or a former governor, and the attorney general or a former attorney general.

SECTION 2. Effective date: upon passage or September 1, 2009.

SUMMARY OF COMMITTEE CHANGES

Amends H.B. 1285 (page 2, line 3) by amending Subsection (9), to include the following language as follows:

(9) an employee of a personal bond office, or an employee of a county, who is employed to obtain information required to be obtained under oath if the oath is required or authorized by Article 17.04 or by Article 26.04(n) or (o), Criminal Procedure Code;