

BILL ANALYSIS

C.S.H.B. 3674
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, the state bar committee on rules of evidence has proposed to encourage accessibility to government and aid in the orderly administration of justice by allowing the use of unsworn declarations of persons who are not incarcerated. C.S.H.B. 3674 seeks to address issues relating to the use of unsworn declarations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3674 amends the Civil Practice and Remedies Code, in a provision authorizing an unsworn declaration made by an inmate in the Texas Department of Criminal Justice (TDCJ) or in a county jail to be used in lieu of a certain required written sworn declaration, verification, certification, oath, or affidavit, removes the specification that the unsworn declaration be made by an inmate in TDCJ or in a county jail. The bill requires an unsworn declaration to be in writing and subscribed by the person making the declaration as true under penalty of perjury. The bill requires an unsworn declaration to include a jurat in substantially the form set out in the bill and an unsworn declaration made by an inmate to include a jurat in substantially the form set out in the bill. The bill makes conforming changes.

C.S.H.B. 3674 repeals Sections 132.002 and 132.003, Civil Practice and Remedies Code, relating to the requirements and form of an unsworn declaration.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3674 differs from the original in nonsubstantive ways by conforming to certain bill drafting conventions and by making conforming changes relating to the repealed provisions.