

By: Eiland

H.B. No. 3674

A BILL TO BE ENTITLED

AN ACT

relating to the use of an unsworn declaration.

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. UNSWORN [~~USE BY INMATES IN LIEU OF SWORN~~] DECLARATION. (a) Except as provided by Subsection (b), an unsworn declaration [~~made as provided by this chapter by an inmate in the Texas Department of Criminal Justice or in a county jail~~] may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law.

(b) This section [~~chapter~~] does not apply to an oath of office or an oath required to be taken before a specified official other than a notary public.

(c) An unsworn declaration made under this section must be:  
(1) in writing; and  
(2) subscribed by the person making the declaration as true under penalty of perjury.

(d) Except as provided by Subsection (e), an unsworn declaration made under this section must include a jurat in substantially the following form:

"My name is \_\_\_\_\_, my

(First) (Middle) (Last)

1 date of birth is \_\_\_\_\_, and my address is  
2 \_\_\_\_\_  
3 (Street) (City) (State) (Zip Code)  
4 and \_\_\_\_\_. I declare under penalty of  
5 (Country)  
6 perjury that the foregoing is true and correct.

7 Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on  
8 the \_\_\_\_\_ day of \_\_\_\_\_.  
9 (Month) (Year)

10 \_\_\_\_\_  
11 Declarant"

12 (e) An unsworn declaration made under this section by an  
13 inmate must include a jurat in substantially the following form:

14 "My name is \_\_\_\_\_, my  
15 (First) (Middle) (Last)  
16 date of birth is \_\_\_\_\_, and my inmate  
17 identifying number, if any, is \_\_\_\_\_. I  
18 am presently incarcerated in \_\_\_\_\_  
19 (Corrections unit name)  
20 in \_\_\_\_\_. I  
21 (City) (County) (State) (Zip Code)  
22 declare under penalty of perjury that the foregoing is  
23 true and correct.

24 Executed on the \_\_\_\_\_ day of \_\_\_\_\_.  
25 (Month) (Year)

26 \_\_\_\_\_  
27 Declarant"

1           SECTION 2. Sections 132.002 and 132.003, Civil Practice and  
2 Remedies Code, are repealed.

3           SECTION 3. Section 132.001, Civil Practice and Remedies  
4 Code, as amended by this Act, applies only to an unsworn declaration  
5 executed on or after the effective date of this Act. An unsworn  
6 declaration executed before the effective date of this Act is  
7 governed by the law in effect immediately before the effective date  
8 of this Act, and that law is continued in effect for that purpose.

9           SECTION 4. This Act takes effect September 1, 2011.