

1-1 By: Eiland (Senate Sponsor - Duncan) H.B. No. 3674
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on
1-4 Jurisprudence; May 21, 2011, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of an unsworn declaration.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 132.001, Civil Practice and Remedies
1-11 Code, is amended to read as follows:

1-12 Sec. 132.001. UNSWORN [~~USE BY INMATES IN LIEU OF SWORN~~]
1-13 DECLARATION. (a) Except as provided by Subsection (b), an unsworn
1-14 declaration [~~made as provided by this chapter by an inmate in the~~
1-15 ~~Texas Department of Criminal Justice or in a county jail~~] may be
1-16 used in lieu of a written sworn declaration, verification,
1-17 certification, oath, or affidavit required by statute or required
1-18 by a rule, order, or requirement adopted as provided by law.

1-19 (b) This section [~~chapter~~] does not apply to an oath of
1-20 office or an oath required to be taken before a specified official
1-21 other than a notary public.

1-22 (c) An unsworn declaration made under this section must be:

1-23 (1) in writing; and

1-24 (2) subscribed by the person making the declaration as
1-25 true under penalty of perjury.

1-26 (d) Except as provided by Subsection (e), an unsworn
1-27 declaration made under this section must include a jurat in
1-28 substantially the following form:

1-29 "My name is _____, my
1-30 (First) (Middle) (Last)
1-31 date of birth is _____, and my address is
1-32 _____,
1-33 (Street) (City) (State) (Zip Code)
1-34 and _____. I declare under penalty of
1-35 (Country)
1-36 perjury that the foregoing is true and correct.
1-37 Executed in _____ County, State of _____, on
1-38 the _____ day of _____.
1-39 (Month) (Year)

1-40 _____
1-41 Declarant"

1-42 (e) An unsworn declaration made under this section by an
1-43 inmate must include a jurat in substantially the following form:

1-44 "My name is _____, my
1-45 (First) (Middle) (Last)
1-46 date of birth is _____, and my inmate
1-47 identifying number, if any, is _____. I
1-48 am presently incarcerated in _____
1-49 (Corrections unit name)
1-50 in _____,
1-51 (City) (County) (State) (Zip Code)
1-52 declare under penalty of perjury that the foregoing is
1-53 true and correct.
1-54 Executed on the _____ day of _____.
1-55 (Month) (Year)

1-56 _____
1-57 Declarant"

1-58 SECTION 2. Sections 132.002 and 132.003, Civil Practice and
1-59 Remedies Code, are repealed.

1-60 SECTION 3. Section 132.001, Civil Practice and Remedies
1-61 Code, as amended by this Act, applies only to an unsworn declaration
1-62 executed on or after the effective date of this Act. An unsworn
1-63 declaration executed before the effective date of this Act is
1-64 governed by the law in effect immediately before the effective date

2-1 of this Act, and that law is continued in effect for that purpose.
2-2 SECTION 4. This Act takes effect September 1, 2011.

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