

By: Ashby

H.B. No. 1728

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of an unsworn declaration, the disposition of
3 certain court exhibits, and the seal of a constitutional county
4 court or county clerk.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 132.001(b), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (b) This section does not apply to a lien required to be
9 filed with a county clerk, an instrument concerning real or
10 personal property required to be filed with a county clerk, or an
11 oath of office or an oath required to be taken before a specified
12 official other than a notary public.

13 SECTION 2. Article 2.21(e), Code of Criminal Procedure, is
14 amended to read as follows:

15 (e) An eligible exhibit may be disposed of as provided by
16 this article:

17 (1) on or after the first anniversary of the date on
18 which a conviction becomes final in the case, if the case is a
19 misdemeanor or a felony for which the sentence imposed by the court
20 is five years or less; [~~or~~]

21 (2) on or after the second anniversary of the date on
22 which a conviction becomes final in the case, if the case is a
23 non-capital felony for which the sentence imposed by the court is
24 greater than five years;

1 (3) on or after the first anniversary of the date of
2 the acquittal of a defendant; or

3 (4) on or after the first anniversary of the date of
4 the death of a defendant.

5 SECTION 3. Section 26.005, Government Code, is amended by
6 amending Subsection (b) and adding Subsections (c) and (d) to read
7 as follows:

8 (b) The [~~impress of the~~] seal shall be impressed on
9 [~~attached to~~] all process other than subpoenas issued out of the
10 court and shall be used to authenticate the official acts of the
11 county clerk and county judge. The seal may be created using
12 electronic means, including by using an optical disk or another
13 electronic reproduction technique, if the means by which the seal
14 is impressed on an original document created using the same type of
15 electronic means does not allow for changes, additions, or
16 deletions to be made to the document.

17 (c) The signature of the county clerk may be affixed on an
18 original document using electronic means, provided those means meet
19 the requirements described by Subsection (b).

20 (d) A seal impressed or a signature affixed by electronic
21 means may be delivered or transmitted electronically.

22 SECTION 4. Section 191.001(b), Local Government Code, is
23 amended to read as follows:

24 (b) The county clerk shall use the county court seal to
25 authenticate all of the clerk's official acts as county recorder.
26 The clerk may affix the seal on an original document by stamp,
27 electronic means, facsimile, or other means that legibly reproduces

1 all of the required elements of the seal for the purposes of
2 reproduction.

3 SECTION 5. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2013.