

1-1 By: Ashby (Senate Sponsor - Seliger) H.B. No. 1728
 1-2 (In the Senate - Received from the House April 29, 2013;
 1-3 April 30, 2013, read first time and referred to Committee on
 1-4 Jurisprudence; May 16, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; May 16, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 West	X			
1-8 Rodriguez			X	
1-9 Campbell			X	
1-10 Carona	X			
1-11 Garcia	X			
1-12 Hancock	X			
1-13 Paxton	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the use of an unsworn declaration, the disposition of
 1-18 certain court exhibits, and the seal of a constitutional county
 1-19 court or county clerk.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 132.001(b), Civil Practice and Remedies
 1-22 Code, is amended to read as follows:

1-23 (b) This section does not apply to a lien required to be
 1-24 filed with a county clerk, an instrument concerning real or
 1-25 personal property required to be filed with a county clerk, or an
 1-26 oath of office or an oath required to be taken before a specified
 1-27 official other than a notary public.

1-28 SECTION 2. Article 2.21(e), Code of Criminal Procedure, is
 1-29 amended to read as follows:

1-30 (e) An eligible exhibit may be disposed of as provided by
 1-31 this article:

1-32 (1) on or after the first anniversary of the date on
 1-33 which a conviction becomes final in the case, if the case is a
 1-34 misdemeanor or a felony for which the sentence imposed by the court
 1-35 is five years or less; ~~[or]~~

1-36 (2) on or after the second anniversary of the date on
 1-37 which a conviction becomes final in the case, if the case is a
 1-38 non-capital felony for which the sentence imposed by the court is
 1-39 greater than five years;

1-40 (3) on or after the first anniversary of the date of
 1-41 the acquittal of a defendant; or

1-42 (4) on or after the first anniversary of the date of
 1-43 the death of a defendant.

1-44 SECTION 3. Section 26.005, Government Code, is amended by
 1-45 amending Subsection (b) and adding Subsections (c) and (d) to read
 1-46 as follows:

1-47 (b) The ~~[impress of the]~~ seal shall be impressed on
 1-48 [attached to] all process other than subpoenas issued out of the
 1-49 court and shall be used to authenticate the official acts of the
 1-50 county clerk and county judge. The seal may be created using
 1-51 electronic means, including by using an optical disk or another
 1-52 electronic reproduction technique, if the means by which the seal
 1-53 is impressed on an original document created using the same type of
 1-54 electronic means does not allow for changes, additions, or
 1-55 deletions to be made to the document.

1-56 (c) The signature of the county clerk may be affixed on an
 1-57 original document using electronic means, provided those means meet
 1-58 the requirements described by Subsection (b).

1-59 (d) A seal impressed or a signature affixed by electronic
 1-60 means may be delivered or transmitted electronically.

1-61 SECTION 4. Section 191.001(b), Local Government Code, is

2-1 amended to read as follows:

2-2 (b) The county clerk shall use the county court seal to
2-3 authenticate all of the clerk's official acts as county recorder.
2-4 The clerk may affix the seal on an original document by stamp,
2-5 electronic means, facsimile, or other means that legibly reproduces
2-6 all of the required elements of the seal for the purposes of
2-7 reproduction.

2-8 SECTION 5. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2013.

2-13

* * * * *