By: Shofner H.B. No. 733

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting notarization by notaries public for foreign terrorist organizations; creating a criminal offense.

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

SECTION 1. Subchapter A, Chapter 406, Government Code, is amended by adding Section 406.0092 to read as follows:

Sec. 406.0092. NOTARIZATION FOR FOREIGN TERRORIST ORGANIZATIONS PROHIBITED; CRIMINAL OFFENSE. (a) In this section, "foreign terrorist organization" means an organization listed by the comptroller under Section 2270.0153 as a designated foreign terrorist organization.

(b) Before performing a notarization, a notary public shall determine whether the signer, grantor, maker, or principal for whom the notarization is performed is associated with a foreign terrorist organization. The secretary of state shall provide each notary public with a current list of foreign terrorist organizations.

(c) A person commits an offense if the person, with criminal negligence and while acting as a notary public, performs a notarization for a signer, grantor, maker, or principal who is a foreign terrorist organization or a member of a foreign terrorist organization.

(d) An offense under this section is a state jail felony.

SECTION 2. The heading to Section 406.010, Government Code,

is amended to read as follows:

Sec. 406.010. BOND,[~~:~~] OATH, AND FOREIGN TERRORIST ACKNOWLEDGEMENT FORM.

SECTION 3. Section 406.010, Government Code, is amended by amending Subsections (e) and (f) and adding Subsection (g) to read as follows:

(e) Each person to be appointed a notary public shall, before entering on the duties of office, sign an acknowledgement form swearing to not perform notarizations for foreign terrorist organizations in violation of Section 406.0092.

(f) The secretary of state shall provide an oath of office form along with the commission, foreign terrorist organization acknowledgement form, and educational materials.

(g) [~~(f)~~] Subsections (a) and (b) do not apply to a person whose services as a notary public are performed primarily as a state officer or employee.

SECTION 4. Not later than December 1, 2027, the secretary of state shall:

(1) adopt rules necessary to implement the changes in law made by this Act; and

(2) make the foreign terrorist acknowledgement form required under Section 406.010(e), Government Code, as amended by this Act, available to notaries public.

SECTION 5. (a) Section 406.010, Government Code, as amended by this Act, applies only to an application for a notary public appointment or reappointment submitted on or after December 1, 2027. An application submitted before December 1, 2027, is

governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) A notary public who applies for appointment before December 1, 2027, shall sign an acknowledgement required under Section 406.010(e), Government Code, as amended by this Act, when applying for the first reappointment as a notary public occurring on or after December 1, 2027.

SECTION 6. This Act takes effect September 1, 2027.