BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2011, the Civil Practice and Remedies Code was amended to allow a private process server to use an unsworn declaration in lieu of a written sworn declaration, verification, certification, oath, or affidavit. The code dictated the format for the unsworn declaration, which required the declarant to list his or her date of birth and home address. To ensure that law enforcement would not open themselves to retaliation by releasing their personal information, an alternate unsworn declaration was made available to them requiring only a name and badge number.

C.S.S.B. 1022 provides a format of the unsworn declaration for private process servers similar to the one available to law enforcement. The bill requires that the process server state their full name and certification number issued by the Judicial Branch Certification Commission and that the declaration is made pursuant to the declarant's assigned duties or responsibilities. This will give private process servers the same protection from retaliation that police officers and constables have.

C.S.S.B. 1022 amends current law relating to an unsworn declaration made by a private process server in the performance of the server's job duties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 132.001, Civil Practice and Remedies Code, by amending Subsection (d) and adding Subsection (g), as follows:

> (d) Requires that an unsworn declaration made under this section include a jurat in substantially a certain form, except as provided by Subsections (e), (f), and (g), rather than except as provided by Subsections (e) and (f). Sets forth the language to be used in the form.

> (g) Requires that an unsworn declaration made under this section by a private process server in the performance of the server's job duties include a jurat in substantially a certain form. Sets forth the language to be used in the form.

SECTION 2. Makes application of Section 132.001(g), Civil Practice and Remedies Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2015.