

By: Cain, Schofield, Slawson, Murr, Vasut,
et al.

H.B. No. 2846

A BILL TO BE ENTITLED

AN ACT

relating to discrimination against or burdening certain constitutional rights of an applicant for or holder of a license to practice law in this state.

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

SECTION 1. Subchapter B, Chapter 81, Government Code, is amended by adding Section 81.02401 to read as follows:

Sec. 81.02401. CERTAIN PROHIBITED RULES, POLICIES, AND PENALTIES; ADMINISTRATIVE OR INJUNCTIVE RELIEF. (a) A rule or policy adopted or a penalty imposed under this chapter may not:

(1) limit an applicant's ability to obtain a license to practice law in this state, or a state bar member's ability to maintain or renew the license, based on a sincerely held religious belief of the applicant or state bar member; or

(2) burden an applicant's or state bar member's:

(A) free exercise of religion, regardless of whether the burden is the result of a rule or policy generally applicable to all applicants or state bar members;

(B) freedom of speech or expression that is protected by the United States or Texas Constitution, including speech regarding a sincerely held religious belief, a political ideology, or a societal view, and of expressive conduct;

(C) membership in any religious organization; or

(D) freedom of association.

1 (b) Subsection (a) does not apply to a state bar rule or
2 policy adopted or penalty imposed under this chapter that results
3 in a limitation or burden described by Subsection (a) if the rule,
4 policy, or penalty:

5 (1) is essential to enforcing a compelling
6 governmental purpose and narrowly tailored to accomplish that
7 purpose; or

8 (2) restricts wilful expressions of bias or prejudice
9 in connection with an adjudicatory proceeding.

10 (c) A person may assert that a state bar rule or policy
11 adopted or penalty imposed under this chapter violates Subsection
12 (a) as a defense in an administrative hearing or as a claim or
13 defense in a judicial proceeding under Chapter 37, Civil Practice
14 and Remedies Code, except that the person may not assert the
15 violation as a defense to:

16 (1) an allegation of sexual misconduct; or

17 (2) prosecution of an offense.

18 (d) A person may bring an action for injunctive relief for a
19 violation of Subsection (a).

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2023.