

By: Schatzline

H.B. No. 1394

A BILL TO BE ENTITLED

AN ACT

relating to sovereign immunity and civil rights actions related to certain laws protecting the free exercise of religion.

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

SECTION 1. Section 84.0067(a)(1), Civil Practice and Remedies Code, is amended to read as follows:

(1) "Religious organization" means an ~~[a charitable]~~ organization that:

(A) if the organization's primary purpose and function are religious, is:

(i) a religious school organized primarily for religious and educational purposes; or

(ii) a religious charity organized primarily for religious and charitable purposes; or

(B) does not engage in activities that would disqualify it from tax-exempt status under Section 501(c)(3), Internal Revenue Code of 1986, as it existed on August 30, 1999 [~~is a religious organization under Section 110.011(b)]~~.

SECTION 2. Section 110.008, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 110.008. SOVEREIGN IMMUNITY WAIVED. (a) Subject to Section 110.006 and except as provided by Subsection (b), sovereign immunity to suit and from liability is waived and abolished in state and federal court to the extent of liability created by Section

1 110.005, and a claimant may sue a government agency for damages  
2 allowed by that section.

3 (b) Notwithstanding Subsection (a), this chapter does not  
4 waive or abolish sovereign immunity to suit and from liability  
5 under the Eleventh Amendment to the United States Constitution,  
6 which prohibits the citizens of another state or the citizens or  
7 subjects of a foreign state from suing this state or any arm of this  
8 state in federal court.

9 SECTION 3. Section 2400.001(5), Government Code, is amended  
10 to read as follows:

11 (5) "Religious organization" means an organization  
12 that:

13 (A) if the organization's primary purpose and  
14 function are religious, is:

15 (i) a religious school organized primarily  
16 for religious and educational purposes; or

17 (ii) a religious charity organized  
18 primarily for religious and charitable purposes; or

19 (B) does not engage in activities that would  
20 disqualify it from tax-exempt status under Section 501(c)(3),  
21 Internal Revenue Code of 1986, as it existed on August 30, 1999 [~~is~~  
22 ~~a religious organization under Section 110.011(b), Civil Practice~~  
23 ~~and Remedies Code].~~

24 SECTION 4. Section 2401.001(4), Government Code, is amended  
25 to read as follows:

26 (4) "Religious organization" means an organization  
27 open to the public that:

1           (A) if the organization's primary purpose and  
2 function are religious, is:

3                   (i) a religious school organized primarily  
4 for religious and educational purposes; or

5                   (ii) a religious charity organized  
6 primarily for religious and charitable purposes; or

7           (B) does not engage in activities that would  
8 disqualify it from tax-exempt status under Section 501(c)(3),  
9 Internal Revenue Code of 1986, as it existed on August 30, 1999 [~~is~~  
10 ~~a religious organization under Section 110.011(b), Civil Practice~~  
11 ~~and Remedies Code].~~

12           SECTION 5. Section 110.011, Civil Practice and Remedies  
13 Code, is repealed.

14           SECTION 6. This Act takes effect September 1, 2025.