

By: Schatzline

H.B. No. 3842

A BILL TO BE ENTITLED

AN ACT

relating to the prohibited display of certain flags in governmental buildings or on governmental property; providing a civil penalty.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 621 to read as follows:

CHAPTER 621. PROHIBITED DISPLAY OF CERTAIN FLAGS ON GOVERNMENTAL PROPERTY

Sec. 621.001. DEFINITIONS. In this chapter:

(1) "Governmental entity" means:

(A) a department, commission, board, office, or other agency in the executive branch of state government that was created by the constitution or a statute of this state, including an institution of higher education as defined by Section 61.003, Education Code;

(B) the supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial Council or another agency in the judicial branch of state government;

(C) a county, municipality, special purpose district, including a school district, or any other political subdivision of this state; or

(D) an open-enrollment charter school established under Subchapter D, Chapter 12, Education Code.

1           (2) "LGBTQ flag" means a flag intended to display  
2 support for lesbianism, homosexuality, bisexuality,  
3 transgenderism, gender nonconforming behavior, or an individual  
4 who engages in such conduct.

5           Sec. 621.002. PROHIBITED DISPLAY. A governmental entity or  
6 employee of a governmental entity may not display an LGBTQ flag in a  
7 building or on property owned or controlled by the governmental  
8 entity, including a classroom.

9           Sec. 621.003. PERSONAL ITEMS. An individual in a building  
10 or on property owned or controlled by a governmental entity may  
11 display a personal item with an LGBTQ flag, such as a small pin or  
12 clothing, while in the public building or on the property.

13           Sec. 621.004. CONSTRUCTION OF CHAPTER. This chapter may  
14 not be construed to restrict or regulate:

15           (1) behavior of an employee of a governmental entity  
16 while the employee is not performing the employee's official  
17 duties; or

18           (2) speech or conduct protected by the First Amendment  
19 to the United States Constitution, or by Section 8, Article I, Texas  
20 Constitution.

21           Sec. 621.005. SANCTIONS FOR NONCOMPLIANCE BY SCHOOL. (a) A  
22 school district or open-enrollment charter school may impose  
23 sanctions, including removal from the person's employment  
24 position, against a district or school employee who violates this  
25 chapter.

26           (b) The board of trustees of a school district shall  
27 investigate any suspected violation of this chapter to determine

1 whether the violation occurred. If the board determines that a  
2 violation has occurred, the board shall immediately report the  
3 violation to the commissioner of education.

4 (c) If the commissioner of education finds on an appeal  
5 under Section 7.057, Education Code, that a school district has  
6 violated this chapter, notwithstanding any other law, the  
7 commissioner shall withhold the funding to which the district is  
8 entitled under Chapters 46, 48, and 49, Education Code, for the  
9 school year during which the violation occurred. The commissioner  
10 may adjust the district's entitlement to funding under those  
11 chapters for subsequent school years as necessary to recover any  
12 state funding already paid to the district for the school year in  
13 which the violation occurred.

14 (d) This section applies to an open-enrollment charter  
15 school as though the governing body of the school were the board of  
16 trustees of a school district.

17 Sec. 621.006. CIVIL PENALTY. (a) This section does not  
18 apply to a school district or open-enrollment charter school  
19 established under Subchapter D, Chapter 12, Education Code.

20 (b) A governmental entity or employee of a governmental  
21 entity that violates this chapter is subject to a civil penalty in  
22 an amount not to exceed \$2,000 for each violation.

23 (c) The attorney general may sue to collect a penalty  
24 imposed under this section and may recover reasonable expenses  
25 incurred in collecting the penalty, including court costs,  
26 reasonable attorney's fees, investigative costs, witness fees, and  
27 deposition costs.

1        Sec. 621.007. IMMUNITY WAIVED. Sovereign, governmental,  
2 and official immunity to suit is waived and abolished to the extent  
3 of liability created by this chapter.

4        SECTION 2. This Act takes effect September 1, 2025.