



17 MAY 14 PM 1:28

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY:

Matt Krause

1 Amend S.B. No. 302 by adding the following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS of
3 the bill accordingly:

4 SECTION _____. Subchapter H, Chapter 81, Government Code, is
5 amended by adding Section 81.116 to read as follows:

6 Sec. 81.116. CLAIM OR DEFENSE FOR PROHIBITED RULE OR
7 POLICY. (a) A person may assert as an affirmative defense in an
8 administrative hearing or as a claim or defense in a judicial
9 proceeding under Chapter 37, Civil Practice and Remedies Code, that
10 a state bar rule or policy or a penalty imposed by the board of
11 directors:

12 (1) limits the ability of an applicant to be licensed
13 based on a sincerely held religious belief of the applicant; or

14 (2) burdens a license holder's:

15 (A) free exercise of religion, regardless of
16 whether the burden is the result of a rule generally applicable to
17 all license holders;

18 (B) freedom of speech regarding a sincerely held
19 religious belief; or

20 (C) membership in any religious organization.

21 (b) Subsection (a) does not apply to a state bar rule or
22 policy or a penalty imposed by the board of directors that results
23 in a limitation or burden described by Subsection (a) if the rule,
24 policy, or penalty is:

25 (1) in furtherance of a compelling governmental
26 purpose; and

27 (2) narrowly tailored to accomplish that purpose.

28 (c) A person may bring an action for injunctive relief
29 against a violation of this section.