

By: Rodríguez

S.B. No. 432

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a report identifying each provision of state law that
3 has been declared unconstitutional by the United States Supreme
4 Court.

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

6 SECTION 1. Chapter 323, Government Code, is amended by
7 adding Section 323.021 to read as follows:

8 Sec. 323.021. REPORT ON UNCONSTITUTIONAL PROVISIONS OF
9 STATE LAW. (a) The council shall plan and execute a permanent
10 program for the systematic and continual study of the statutes of
11 this state to determine which of those statutes have been declared
12 unconstitutional by the United States Supreme Court.

13 (b) As part of the program under this section, the council
14 shall, before each regular session of the legislature, prepare and
15 submit to the legislature a report that:

16 (1) identifies each statutory provision of this state
17 that has been declared unconstitutional by the United States
18 Supreme Court and provides a citation to the applicable decision of
19 the court; and

20 (2) includes a draft of legislation that amends each
21 provision identified under Subdivision (1) to include the following
22 statement or substantially similar language:

23 "This provision of law is unenforceable as a result of the
24 decision of the United States Supreme Court in (insert name of

1 applicable court decision) declaring the law unconstitutional."

2 (c) The council may request the assistance of the attorney
3 general in performing the council's duties under this section, as
4 authorized by Section [323.012](#).

5 SECTION 2. The Texas Legislative Council shall submit the
6 first report due under Section 323.021, Government Code, as added
7 by this Act, to the legislature not later than December 1, 2018.

8 SECTION 3. This Act takes effect September 1, 2017.