

BILL ANALYSIS

C.S.H.B. 3172
By: Krause
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the state should do more to ensure that freedom of religion and association are protected. C.S.H.B. 3172 seeks to prohibit a governmental entity from taking any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization and to provide for relief if that prohibition is violated.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3172 amends the Government Code to prohibit an applicable governmental entity from taking any adverse action, as defined by the bill, against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. The bill authorizes a person to assert an actual or threatened violation of that provision as a claim or defense in a judicial or administrative proceeding to obtain injunctive relief, declaratory relief, and court costs and reasonable attorney's fees. The bill sets out a provision related to the circumstances under which an action may be commenced.

C.S.H.B. 3172 authorizes a person who alleges such a violation to sue the governmental entity for the provided relief and waives and abolishes sovereign or governmental immunity, as applicable, to the extent of liability for that relief. The bill provides for the attorney general's authority to bring an action to enforce compliance with the bill's provisions and to intervene in a proceeding. The bill prohibits the attorney general from recovering expenses related to such an action. The bill provides for the interpretation of its provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3172 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute clarifies the applicable governmental entities to which the bill's provisions apply by removing the Texas Supreme Court, the Texas Court of Criminal Appeals, and a court in this state.

The substitute revises the basis for which an applicable governmental entity is prohibited from taking any adverse action against any person from a person's belief or action in accordance with the person's sincerely held religious belief or moral conviction to the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

The substitute revises the relief that a person may obtain under the bill.

The substitute does not include an authorization for the attorney general to recover expenses incurred in bringing, instituting, or intervening in an adverse action and includes instead a provision that prohibits the attorney general from recovering such expenses.