

By: Birdwell

S.B. No. 738

A BILL TO BE ENTITLED

AN ACT

relating to the right of recusal from the performance of certain marriage ceremonies.

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

SECTION 1. Subchapter G, Chapter 2, Family Code, is amended by adding Section 2.603 to read as follows:

Sec. 2.603. RECUSAL FROM PERFORMANCE OF CERTAIN MARRIAGE CEREMONIES; LIMITED LIABILITY. (a) A person authorized to conduct a marriage ceremony under Section 2.202 may recuse himself or herself from performing the ceremony based on the person's sincerely held religious belief.

(b) A person who declines to perform a marriage ceremony under Subsection (a) may assert that a law, policy, or adverse action of this state violates that subsection as a defense in an administrative hearing or a criminal action or as a claim or defense in a civil action.

(c) A person described by Subsection (a) is not liable in a civil action for any damages arising from the person's recusal under that subsection.

(d) This section may not be construed to limit any other right, privilege, or protection afforded to an individual under the laws of the United States and this state.

SECTION 2. Section 2.205, Family Code, is amended by adding Subsection (c) to read as follows:

1 (c) This section does not prohibit a person from recusing
2 himself or herself from conducting a marriage ceremony under
3 Section 2.603.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2021.