

By: Hancock

S.B. No. 1681

A BILL TO BE ENTITLED

AN ACT

relating to the protection of religious organizations.

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

SECTION 1. Subtitle H, Title 10, Government Code, is amended by adding Chapter 2401 to read as follows:

CHAPTER 2401. PROTECTION OF RELIGIOUS ORGANIZATIONS

Sec. 2401.001. DEFINITIONS. In this chapter:

(1) "Governmental entity" means:

(A) this state;

(B) a board, commission, council, department, or other agency in the executive, judicial, or legislative branch of state government that is created by the state constitution or a statute, including an institution of higher education as defined by Section 61.003, Education Code;

(C) a political subdivision of this state; or

(D) an officer, employee, or agent of an entity described by Paragraphs (A) through (C).

(2) "Religious organization" means an organization established to support and serve the propagation of a sincerely held religious belief.

Sec. 2401.002. RELIEF AVAILABLE. (a) A person may assert an actual or threatened violation of Section 6-a, Article I, Texas Constitution, as a claim or defense in a judicial or administrative proceeding and obtain:

- 1 (1) injunctive relief;
- 2 (2) declaratory relief; and
- 3 (3) court costs and reasonable attorney's fees.

4 (b) Notwithstanding any other law, a person may commence an
5 action under this section and relief may be granted regardless of
6 whether the person has sought or exhausted available administrative
7 remedies.

8 Sec. 2401.003. IMMUNITY WAIVED. A person who alleges a
9 violation of Section 6-a, Article I, Texas Constitution, may sue
10 the governmental entity for the relief provided under Section
11 2401.002. Sovereign or governmental immunity, as applicable, is
12 waived and abolished to the extent of liability for that relief.

13 Sec. 2401.004. ATTORNEY GENERAL ACTION; INTERVENTION IN
14 PROCEEDING; PROHIBITED RECOVERY OF EXPENSES. (a) The attorney
15 general may bring an action for injunctive or declaratory relief
16 against a governmental entity to enforce compliance with Section
17 6-a, Article I, Texas Constitution.

18 (b) This section may not be construed to deny, impair, or
19 otherwise affect any authority of the attorney general or a
20 governmental entity acting under other law to institute or
21 intervene in an action.

22 (c) The attorney general may not recover expenses incurred
23 in bringing, instituting, or intervening in an action described by
24 this section.

25 Sec. 2401.005. INTERPRETATION. (a) This chapter and
26 Section 6-a, Article I, Texas Constitution, may not be construed to
27 preempt state or federal constitutional or statutory law that is

1 equally or more protective of the free exercise of religious
2 beliefs or to narrow the meaning or application of state or federal
3 constitutional or statutory law protecting the free exercise of
4 religious beliefs.

5 (b) This chapter and Section 6-a, Article I, Texas
6 Constitution, may not be construed to prevent a governmental entity
7 from providing, either directly or through a person who is not
8 seeking protection under this chapter, any benefit or service
9 authorized under state or federal constitutional or statutory law.

10 Sec. 2401.006. SUSPENSION PROHIBITED. The protections
11 guaranteed under Section 6-a, Article I, Texas Constitution, and
12 this chapter may not be suspended.

13 SECTION 2. Chapter 2401, Government Code, as added by this
14 Act, applies only to a cause of action that accrues on or after the
15 effective date of this Act. A cause of action that accrued before
16 the effective date of this Act is governed by the law in effect
17 immediately before the effective date of this Act, and that law is
18 continued in effect for that purpose.

19 SECTION 3. This Act takes effect January 1, 2022, but only
20 if the constitutional amendment proposed by the 87th Legislature,
21 Regular Session, 2021, to prohibit this state or a political
22 subdivision of this state from prohibiting or limiting a religious
23 service conducted by a religious organization is approved by the
24 voters. If that proposed constitutional amendment is not approved
25 by the voters, this Act has no effect.