

BILL ANALYSIS

Senate Research Center

S.J.R. 70
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.J.R. 70 is designed to place into the Texas Constitution those rights which parents are already entitled to under established United States Supreme Court case law.

The goal of S.J.R. 70 is to ensure the longevity of these rights by taking them from case law, which can change or go away at any time, and adding them to the Texas Constitution, and to provide clarity for attorneys, local judges, and parents. A parent's constitutional rights are currently spread out through 100 years of case law. These are cases many local judges and attorneys are simply not sufficiently educated on.

S.J.R. 70 names specifics contexts in which a parent has been determined to have a constitutional right to direct or make decisions for a child, and the standard a governmental entity must meet in order to interfere with that right.

S.J.R. 70 proposes a constitutional amendment protecting the fundamental right of parents to raise their children.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article I, Texas Constitution, by adding Section 36, as follows:

Sec. 36. FUNDAMENTAL RIGHT OF PARENTS TO RAISE CHILDREN. (a) Provides that the liberty of a parent to direct the upbringing of the parent's child is a fundamental right. Provides that this right includes the right to direct the care, custody, control, education, moral and religious training, and medical care of the child.

(b) Prohibits the state or a political subdivision of this state from interfering with the rights of a parent described by Subsection (a) unless the interference is:

- (1) essential to further a compelling governmental interest; and
- (2) narrowly tailored to accomplish that compelling governmental interest.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 7, 2023. Sets forth the required language of the ballot.