

BILL ANALYSIS

Senate Research Center
88R21829 PRL-F

C.S.S.J.R. 70
By: Hughes
State Affairs
4/12/2023
Committee Report (Substituted)

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 specific 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.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.J.R. 70 proposes a constitutional amendment protecting the 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. (a) Provides that a parent has the inherent right to exercise care, custody, and control of the parent's child and to make decisions for the upbringing of the parent's child, including but not limited to decisions regarding the education, moral and religious training, and health 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) of this section 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.