

1-1 By: Hughes S.B. No. 559
 1-2 (In the Senate - Filed January 23, 2023; February 17, 2023,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 1, 2023, reported favorably by the following vote: Yeas 8,
 1-5 Nays 3; March 1, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18		X		

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to discrimination against or burdening certain
 1-22 constitutional rights of an applicant for or holder of a license to
 1-23 practice law in this state.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter B, Chapter 81, Government Code, is
 1-26 amended by adding Section 81.02401 to read as follows:

1-27 Sec. 81.02401. CERTAIN PROHIBITED RULES, POLICIES, AND
 1-28 PENALTIES; ADMINISTRATIVE OR INJUNCTIVE RELIEF. (a) A rule or
 1-29 policy adopted or a penalty imposed under this chapter may not:

1-30 (1) limit an applicant's ability to obtain a license to
 1-31 practice law in this state, or a state bar member's ability to
 1-32 maintain or renew the license, based on a sincerely held religious
 1-33 belief of the applicant or state bar member; or

1-34 (2) burden an applicant's or state bar member's:

1-35 (A) free exercise of religion, regardless of
 1-36 whether the burden is the result of a rule or policy generally
 1-37 applicable to all applicants or state bar members;

1-38 (B) freedom of speech or expression that is
 1-39 protected by the United States or Texas Constitution, including
 1-40 speech regarding a sincerely held religious belief, a political
 1-41 ideology, or a societal view, and of expressive conduct;

1-42 (C) membership in any religious organization; or

1-43 (D) freedom of association.

1-44 (b) Subsection (a) does not apply to a state bar rule or
 1-45 policy adopted or penalty imposed under this chapter that results
 1-46 in a limitation or burden described by Subsection (a) if the rule,
 1-47 policy, or penalty:

1-48 (1) is essential to enforcing a compelling
 1-49 governmental purpose and narrowly tailored to accomplish that
 1-50 purpose; or

1-51 (2) restricts wilful expressions of bias or prejudice
 1-52 in connection with an adjudicatory proceeding.

1-53 (c) A person may assert that a state bar rule or policy
 1-54 adopted or penalty imposed under this chapter violates Subsection
 1-55 (a) as a defense in an administrative hearing or as a claim or
 1-56 defense in a judicial proceeding under Chapter 37, Civil Practice
 1-57 and Remedies Code, except that the person may not assert the
 1-58 violation as a defense to:

1-59 (1) an allegation of sexual misconduct; or

1-60 (2) prosecution of an offense.

1-61 (d) A person may bring an action for injunctive relief for a

2-1 violation of Subsection (a).

2-2 SECTION 2. This Act takes effect immediately if it receives
2-3 a vote of two-thirds of all the members elected to each house, as
2-4 provided by Section 39, Article III, Texas Constitution. If this
2-5 Act does not receive the vote necessary for immediate effect, this
2-6 Act takes effect September 1, 2023.

2-7

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