

RESOLUTION ANALYSIS

C.S.S.J.R. 34
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the American Bar Association, federal case law over the last 100 years has outlined specific areas in which parents have a constitutionally protected right to make decisions for their children. However, the sponsor of the resolution has informed the committee that case law can be a fragile place for such a right to be established and, considering that the Texas Constitution does not currently expressly state the rights of parents with regard to the care, custody, or control of or decisions regarding their children, such a fundamental right deserves a securely established place in the constitution. C.S.S.J.R. 34 seeks to establish a clear and solid legal foundation to protect the rights of parents by affirming that parents are the primary decision makers for their children.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.J.R. 34 proposes an amendment to the Texas Constitution stating that, in order to enshrine truths that are deeply rooted in the nation's history and traditions, the people of Texas affirm by the proposed amendment that a parent has the responsibility to nurture and protect the parent's child and the corresponding fundamental right to exercise care, custody, and control of the child, including the right to make decisions concerning the child's upbringing. The resolution requires the ballot to permit voting for or against the following proposition: "The constitutional amendment affirming that parents are the primary decision makers for their children."

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 4, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.J.R. 34 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the resolution.

The substitute omits the provisions from the engrossed providing 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 and prohibiting the state or a political subdivision of the state from interfering with those parental rights unless the interference is essential to further a compelling governmental interest and narrowly tailored to accomplish that interest. Instead, the substitute includes a provision absent from the engrossed providing that, to enshrine truths that are deeply rooted in the nation's history and traditions, the people of Texas affirm by the proposed amendment that a parent has the responsibility to nurture and protect the parent's child and the corresponding fundamental right to exercise care, custody, and control of that child, including the right to make decisions concerning the child's upbringing.

Whereas the engrossed established the ballot language for the resolution to be "the constitutional amendment establishing parents as the primary decision-makers for their children," the substitute instead establishes that language to be "the constitutional amendment affirming that parents are the primary decision-makers for their children."