

BILL ANALYSIS

Senate Research Center
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S.J.R. 34
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The constitutional rights of parents currently rest in federal case law. Over the last 100 years, federal case law has outlined specific areas in which parents have a constitutionally protected right to make decisions for their children. However, rights found in case law can change and disappear over time with the appointment of new judges. Placing the rights of parents in the Texas constitution would ensure the longevity of these rights for future generations.

S.J.R. 34 codifies the existing U.S. constitutional rights of parents in order to promote the longevity of those rights and provide clarity regarding those rights. In this way, S.J.R. 34 does not change the law. This amendment would merely place into the Texas Constitution the rights of parents already protected by the U.S. Constitution, as laid out in case law. According to the U.S. Supreme Court, the constitutional rights of parents are the "oldest of the fundamental liberty interests" ever recognized by the court. S.J.R. 34 codifies these liberty interests to ensure that they remain protected.

S.J.R. 34 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 37, as follows:

Sec. 37. (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.

(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 essential to further a compelling governmental interest and narrowly tailored to accomplish that compelling governmental interest.

SECTION 2. Requires that this proposed constitutional amendment be submitted to the voters at an election to be held November 4, 2025. Sets forth the required language of the ballot.