

By: Hughes

S.B. No. 1073

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to discrimination against or burdening certain  
3 constitutional rights of an applicant for or holder of a license to  
4 practice law in this state.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

8 Sec. 81.02401. CERTAIN PROHIBITED RULES, POLICIES, AND  
9 PENALTIES; ADMINISTRATIVE OR INJUNCTIVE RELIEF. (a) A rule or  
10 policy adopted or a penalty imposed under this chapter may not:

11 (1) limit an applicant's ability to obtain a license to  
12 practice law in this state, or a state bar member's ability to  
13 maintain or renew the license, based on a sincerely held religious  
14 belief of the applicant or state bar member; or

15 (2) burden an applicant's or state bar member's:

16 (A) free exercise of religion, regardless of  
17 whether the burden is the result of a rule or policy generally  
18 applicable to all applicants or state bar members;

19 (B) freedom of speech or expression protected by  
20 the United States or Texas Constitution, including speech regarding  
21 a sincerely held religious belief, a political ideology, or a  
22 societal view and expressive conduct;

23 (C) membership in any religious organization; or

24 (D) freedom of association.

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

5           (1) is essential to enforcing a compelling  
6 governmental purpose and narrowly tailored to accomplish that  
7 purpose; or

8           (2) restricts wilful expressions of bias or prejudice  
9 in connection with an adjudicatory proceeding.

10       (c) A person may assert a state bar rule or policy adopted or  
11 penalty imposed under this chapter violates Subsection (a) as a  
12 defense in an administrative hearing or as a claim or defense in a  
13 judicial proceeding under Chapter 37, Civil Practice and Remedies  
14 Code, except the person may not assert the violation as a defense  
15 to:

16           (1) an allegation of sexual misconduct; or

17           (2) prosecution of an offense.

18       (d) A person may bring an action for injunctive relief for a  
19 violation of Subsection (a).

20       SECTION 2. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2025.