

BILL ANALYSIS

S.B. 2065
By: Estes
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 2065 provides that religious organizations, organizations connected to a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister may not be required to participate in any part of a marriage or celebration of a marriage if it would violate a sincerely held religious belief. Under the provisions of this bill, if someone belonging to one of the proscribed categories refuses to provide services, accommodations, facilities, goods, or privileges because of a sincerely held religious belief, that person's refusal cannot be the basis for a civil or criminal cause of action, or any other cause of action by the state or a political subdivision of the state, including withholding benefits or privileges, tax exemptions, or government contracts, grants, or licenses.

S.B. 2065 amends current law relating to the rights of certain religious organizations and individuals relating to a marriage that violates a sincerely held religious belief.

CRIMINAL JUSTICE IMPACT

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

ANALYSIS

SECTION 1. Amends Chapter 2, Family Code, by adding Subchapter G, as follows:

SUBCHAPTER G. FREEDOM OF RELIGION WITH RESPECT TO RECOGNIZING OR PERFORMING CERTAIN MARRIAGES

Sec. 2.601. RIGHTS OF CERTAIN RELIGIOUS ORGANIZATIONS. Prohibits a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister from being required to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief.

Sec. 2.602. DISCRIMINATION AGAINST RELIGIOUS ORGANIZATION PROHIBITED. Provides that a refusal to provide services, accommodations, facilities, goods, or privileges under Section 2.601 is not the basis for a civil or criminal cause of action or any other action by this

state or a political subdivision of this state to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from any protected organization or individual.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2015.