

By: Hughes

S.B. No. 893

A BILL TO BE ENTITLED

AN ACT

relating to the protection of religious beliefs and moral convictions regarding marriage.

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

SECTION 1. Title 10, Government Code, is amended by adding Subtitle H to read as follows:

SUBTITLE H. PROHIBITED ADVERSE ACTIONS BY GOVERNMENT

CHAPTER 2400. PROTECTION OF RELIGIOUS BELIEFS AND

MORAL CONVICTIONS

Sec. 2400.001. DEFINITIONS. In this chapter:

(1) "Adverse action" means any action taken by a governmental entity to:

(A) withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;

(B) withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;

(C) alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;

(D) disallow a tax deduction for any charitable

1 contribution made to or by a person;

2 (E) deny admission to, equal treatment in, or
3 eligibility for a degree from an educational program or institution
4 to a person; or

5 (F) withhold, reduce, exclude, terminate, or
6 otherwise deny access to a property, educational institution,
7 speech forum, or charitable fund-raising campaign from or to a
8 person.

9 (2) "Benefit program" means any program administered
10 or funded by a governmental entity or federal agency that provides
11 assistance in the form of payments, grants, loans, or loan
12 guarantees.

13 (3) "Governmental entity" means:

14 (A) this state;

15 (B) a board, commission, council, department, or
16 other agency in the executive branch of state government that is
17 created by the state constitution or a statute, including an
18 institution of higher education as defined by Section 61.003,
19 Education Code;

20 (C) the legislature or a legislative agency;

21 (D) the Texas Supreme Court, the Texas Court of
22 Criminal Appeals, a state judicial agency, the State Bar of Texas,
23 or a court in this state;

24 (E) a political subdivision of this state,
25 including a county, municipality, or special district or authority;
26 or

27 (F) an officer, employee, or agent of an entity

1 described by Paragraphs (A)-(E).

2 (4) "Person" has the meaning assigned by Section
3 311.005, except the term does not include:

4 (A) an employee of a governmental entity acting
5 within the employee's scope of employment;

6 (B) a contractor of a governmental entity acting
7 within the scope of the contract; or

8 (C) a medical or residential custodial health
9 care facility to the extent of a policy or action of the facility
10 regarding visitation, recognition of a designated representative
11 for health care decision-making, or refusal to provide medical
12 treatment necessary to treat an illness or injury.

13 Sec. 2400.002. ADVERSE ACTION PROHIBITED. Notwithstanding
14 any other law, a governmental entity may not take any adverse action
15 against any person based wholly or partly on a person's belief or
16 action in accordance with the person's sincerely held religious
17 belief or moral conviction that marriage is or should be recognized
18 as the union of one man and one woman or that sexual relationships
19 are properly reserved to such a marriage.

20 Sec. 2400.003. RELIEF AVAILABLE. (a) A person may assert
21 an actual or threatened violation of Section 2400.002 as a claim or
22 defense in a judicial or administrative proceeding and obtain:

23 (1) compensatory damages;

24 (2) injunctive relief;

25 (3) declaratory relief; and

26 (4) any other appropriate relief, including
27 reasonable attorney's fees.

1 (b) Notwithstanding any other law, a person may commence an
2 action under this section and relief may be granted regardless of
3 whether the person has sought or exhausted available administrative
4 remedies.

5 Sec. 2400.004. IMMUNITY WAIVED. A person who alleges a
6 violation of Section 2400.002 may sue the governmental entity for
7 the relief provided under Section 2400.003. Sovereign immunity is
8 waived and abolished to the extent of liability for that relief.

9 Sec. 2400.005. ATTORNEY GENERAL ACTION; INTERVENTION IN
10 PROCEEDING. (a) The attorney general may bring an action for
11 injunctive or declaratory relief against a governmental entity or
12 an officer or employee of a governmental entity to enforce
13 compliance with this chapter.

14 (b) This section may not be construed to deny, impair, or
15 otherwise affect any authority of the attorney general or a
16 governmental entity acting under other law to institute or
17 intervene in a proceeding.

18 (c) The attorney general may recover reasonable expenses
19 incurred in bringing, instituting, or intervening in an action
20 under this section, including court costs, reasonable attorney's
21 fees, reasonable investigative costs, witness fees, and deposition
22 expenses.

23 Sec. 2400.006. INTERPRETATION. (a) This chapter may not be
24 construed to preempt a state or federal law that is equally or more
25 protective of the free exercise of religious beliefs and moral
26 convictions or to narrow the meaning or application of a state or
27 federal law protecting the free exercise of religious beliefs and

1 moral convictions.

2 (b) This chapter may not be construed to prevent a
3 governmental entity from providing, either directly or through a
4 person who is not seeking protection under this chapter, any
5 benefit or service authorized under state or federal law.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2017.