

1-1 By: Perry S.B. No. 247  
 1-2 (In the Senate - Filed December 17, 2020; March 3, 2021,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 17, 2021, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 2; March 17, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16		X		

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to discrimination against or burdening certain  
 1-20 constitutional rights of an applicant for or holder of a license to  
 1-21 practice law in this state.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter B, Chapter 81, Government Code, is  
 1-24 amended by adding Section 81.02401 to read as follows:

1-25 Sec. 81.02401. CERTAIN RULES AND POLICIES PROHIBITED;  
 1-26 ADMINISTRATIVE OR INJUNCTIVE RELIEF. (a) A rule or policy adopted  
 1-27 or a penalty imposed under this chapter may not:

1-28 (1) limit an applicant's ability to obtain a license to  
 1-29 practice law in this state, or a state bar member's ability to  
 1-30 maintain or renew the license, based on a sincerely held religious  
 1-31 belief of the applicant or state bar member; or

1-32 (2) burden an applicant's or state bar member's:

1-33 (A) free exercise of religion, regardless of  
 1-34 whether the burden is the result of a rule or policy generally  
 1-35 applicable to all applicants or state bar members;

1-36 (B) freedom of speech regarding a sincerely held  
 1-37 religious belief;

1-38 (C) membership in any religious organization; or

1-39 (D) freedom of association.

1-40 (b) Subsection (a) does not apply to a state bar rule or  
 1-41 policy adopted or penalty imposed under this chapter that results  
 1-42 in a limitation or burden described by Subsection (a) if the rule,  
 1-43 policy, or penalty is:

1-44 (1) essential to enforcing a compelling governmental  
 1-45 purpose; and

1-46 (2) narrowly tailored to accomplish that purpose.

1-47 (c) A person may assert that a state bar rule or policy  
 1-48 adopted or penalty imposed under this chapter violates Subsection  
 1-49 (a) as a defense in an administrative hearing or as a claim or  
 1-50 defense in a judicial proceeding under Chapter 37, Civil Practice  
 1-51 and Remedies Code, except that the person may not assert the  
 1-52 violation as a defense to:

1-53 (1) an allegation of sexual misconduct; or

1-54 (2) prosecution of an offense.

1-55 (d) A person may bring an action for injunctive relief for a  
 1-56 violation of Subsection (a).

1-57 SECTION 2. This Act takes effect immediately if it receives  
 1-58 a vote of two-thirds of all the members elected to each house, as  
 1-59 provided by Section 39, Article III, Texas Constitution. If this  
 1-60 Act does not receive the vote necessary for immediate effect, this  
 1-61 Act takes effect September 1, 2021.

1-62 \* \* \* \* \*