

RESOLUTION ANALYSIS

C.S.H.J.R. 72
By: Leach
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The First Amendment to the U.S. Constitution preserves Americans' fundamental right to worship and assemble. Concerns have been raised over restrictions put in place by state and local governments in response to the COVID-19 pandemic that violated the right to the free exercise of religion. Consequently, there have been calls for the state to do more to protect this right for all Texans and ensure that religious liberty is not abridged in the future. C.S.H.J.R. 72 proposes an amendment to the Texas Constitution to prohibit the state or a political subdivision from limiting or prohibiting religious services.

CRIMINAL JUSTICE IMPACT

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

ANALYSIS

C.S.H.J.R. 72 proposes an amendment to the Texas Constitution to prohibit the state or a political subdivision from enacting, adopting, or issuing a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including those conducted in churches, congregations, and places of worship, in Texas by a religious organization established to support and serve the propagation of a sincerely held religious belief.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 2, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.J.R. 72 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions and also updates the ballot language for the proposed amendment in the original to reflect those conventions.