

**SUBJECT:** Prohibiting certain State Bar of Texas policies

**COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment

**VOTE:** 5 ayes — Leach, Murr, Schofield, Slawson, Vasut  
3 nays — Julie Johnson, Flores, Moody  
1 absent — Davis

**WITNESSES:** For — Murtaza Sutarwalla, Muslim Bar Association of Houston; Jonathan Covey, Jonathan Saenz, Texas Values; Larry McDougal; Charlotte Russell; William Russell (*Registered, but did not testify*: Ashley Leenerts, Texas Right to Life; Mary Elizabeth Castle, Texas Values Action; Jennifer Allmon, The Texas Catholic Conference of Bishops; Michelle Evans; Thomas Parkinson; Abigail Russell; Margaret Russell; Julia Russell)  
  
Against — Andrew Hendrickson, ACLU of Texas; Chloe Goodman, Equality Texas (*Registered, but did not testify*: Ricardo Martinez, EQTX Equality Texas; Carisa Lopez, Texas Freedom Network; Joshua Houston, Texas Impact; Andrea Segovia, Transgender Education Network of TX; Cynthia Van Maanen, Travis County Democratic Party; and 60 individuals)

**BACKGROUND:** Some have suggested that prohibiting the State Bar of Texas from adopting certain rules or policies would help to protect members from policies that may limit a person's ability to obtain, maintain, or renew a law license based on the person's religious beliefs or exercise of free speech or free association.

**DIGEST:** HB 2846 would prohibit the State Bar of Texas from adopting a rule or policy, or imposing a penalty that:

- limited an applicant's ability to obtain a law license or a state bar member's ability to maintain or renew their license, based on a

- sincerely held religious belief; or
- burdened the applicant's or member's free exercise of religion, freedom of speech or expression, membership in any religious organization, or freedom of association.

This prohibition would not apply to a rule, policy, or penalty that was essential to enforcing a compelling governmental purpose and was narrowly tailored to accomplish that purpose, or that restricted willful expressions of bias or prejudice relating to an adjudicatory proceeding.

A person could use a violation of the bill's prohibition on certain State Bar rules, policies, or penalties as a defense in an administrative hearing or as a claim or defense in certain judicial proceedings. The defense would not apply to an allegation of sexual misconduct or the prosecution of an offense. A person could bring an action for injunctive relief for a violation of the bill's provisions.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.