

BILL ANALYSIS

Senate Research Center

S.J.R. 4
By: Campbell; Paxton
State Affairs
3/19/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1999, Texas enacted the Religious Freedom Restoration Act (Act). The Act prohibits a government agency from substantially burdening a person's free exercise of religion, unless the agency can demonstrate that the burden is the least restrictive means of furthering a compelling governmental interest. However, a state religious freedom constitutional amendment provides the best guarantee of lasting protection for a citizen's religious liberties from an overreaching legislature, government bureaucracy, or court system.

Current provisions guaranteeing a citizen's right to exercise his or her religion is limited to qualifications for elected office, for witnesses in a court of law, and the right of all individuals to worship in the manner of their choosing. There is no protection for individuals or religious organizations to the specificity of the Act in the Texas Constitution.

The purpose of S.J.R. 4 is to place in the Texas Constitution religious freedom protections for individuals and organizations that are currently found in the Civil Practice and Remedies Code.

As proposed, S.J.R. 4 proposes a constitutional amendment relating to a person's freedom of religion.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 6, Article I, Texas Constitution, as follows:

Sec. 6. (a) Creates this subsection from existing text and makes no further change to this subsection.

(b) Prohibits the government from burdening a person's or religious organization's freedom of religion. Prohibits the right to act or refusal to act in a manner motivated by a sincerely held religious belief from being burdened unless the government proves it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest. Provides that a burden includes indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities.

(c) Creates this subsection from existing text and makes no further change to this subsection.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 5, 2013. Sets forth the required language of the ballot.