

BILL ANALYSIS

Senate Research Center
84R22133 SCL-D

S.B. 2048
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In October 2014, the City of Houston subpoenaed sermons and speeches of five Houston pastors who opposed City of Houston Ordinance Number 2014-530, known as the Houston Equal Rights Ordinance, which bars businesses from discriminating against gay and transgender residents.

Although the City of Houston eventually withdrew the subpoenas, this situation sparked national discussions on religious liberty and freedom of speech.

S.B. 2048 prohibits a governmental entity from compelling the production or disclosure of a written copy or audio or video recording of a sermon delivered by a religious leader during religious worship of a religious organization or compelling the religious leader to testify regarding the sermon in any civil action or proceeding to which the governmental entity is a party.

As proposed, S.B. 2048 amends current law relating to a privilege from disclosure to governmental units for certain evidence concerning sermons delivered by a religious leader.

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 Title 6, Civil Practice and Remedies Code, by adding Chapter 150A, as follows:

CHAPTER 150A. DISCOVERY BY GOVERNMENTAL UNIT

Sec. 150A.001. DEFINITIONS. Defines "governmental unit," "religious organization," and "religious worship" in this chapter.

Sec. 150A.002. SERMONS PRIVILEGED FROM DISCLOSURE TO GOVERNMENTAL UNIT. Prohibits a governmental unit from, in any civil action or other proceeding to which the governmental unit is a party, compelling the production or disclosure of a written copy or audio or video recording of a sermon delivered by a religious leader during religious worship of a religious organization or compel the religious leader to testify regarding the sermon.

SECTION 2. Effective date: upon passage or September 1, 2015.