

BILL ANALYSIS

Senate Research Center

S.B. 24
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2014, the City of Houston (city) subpoenaed sermons and speeches from five different Houston religious leaders who opposed a city ordinance. The subpoenas were seen as an attempt by city officials to determine how the preachers may have spoken about efforts to repeal the ordinance.

Although the city eventually withdrew the subpoenas, this situation sparked national discussions on religious liberty and freedom of speech. S.B. 24 is needed to protect the First Amendment rights of religious leaders by prohibiting governmental entities from compelling those leaders to divulge the contents of their sermons.

S.B. 24 prohibits the civil discovery of a written copy or audio or video recording of a sermon delivered by a religious leader during religious worship in any civil proceeding to which the governmental entity is a party.

S.B. 24 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."

Sec. 150A.002. SERMONS PRIVILEGED FROM DISCLOSURE TO GOVERNMENTAL UNIT. Prohibits a governmental unit, in any civil action or other civil or administrative proceeding to which the governmental unit is a party, 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 from compelling the religious leader to testify regarding the sermon.

SECTION 2. Effective date: upon passage or September 1, 2017.