

AN ACT

relating to the rights of certain religious organizations and individuals relating to a marriage that violates a sincerely held religious belief.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Family Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. FREEDOM OF RELIGION WITH RESPECT TO RECOGNIZING OR PERFORMING CERTAIN MARRIAGES

Sec. 2.601. RIGHTS OF CERTAIN RELIGIOUS ORGANIZATIONS. A religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister may not be required to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief.

Sec. 2.602. DISCRIMINATION AGAINST RELIGIOUS ORGANIZATION PROHIBITED. A refusal to provide services, accommodations, facilities, goods, or privileges under Section 2.601 is not the basis for a civil or criminal cause of action or any other action by this state or a political subdivision of this state to penalize or

1 withhold benefits or privileges, including tax exemptions or  
2 governmental contracts, grants, or licenses, from any protected  
3 organization or individual.

4 SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2015.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2065 passed the Senate on  
May 11, 2015, by the following vote: Yeas 21, Nays 9.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2065 passed the House on  
May 22, 2015, by the following vote: Yeas 142, Nays 0, one  
present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

## **BILL ANALYSIS**

S.B. 2065  
By: Estes  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

S.B. 2065 provides that religious organizations, organizations connected to a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister may not be required to participate in any part of a marriage or celebration of a marriage if it would violate a sincerely held religious belief. Under the provisions of this bill, if someone belonging to one of the proscribed categories refuses to provide services, accommodations, facilities, goods, or privileges because of a sincerely held religious belief, that person's refusal cannot be the basis for a civil or criminal cause of action, or any other cause of action by the state or a political subdivision of the state, including withholding benefits or privileges, tax exemptions, or government contracts, grants, or licenses.

S.B. 2065 amends current law relating to the rights of certain religious organizations and individuals relating to a marriage that violates a sincerely held religious belief.

### **CRIMINAL JUSTICE IMPACT**

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

### **ANALYSIS**

SECTION 1. Amends Chapter 2, Family Code, by adding Subchapter G, as follows:

#### **SUBCHAPTER G. FREEDOM OF RELIGION WITH RESPECT TO RECOGNIZING OR PERFORMING CERTAIN MARRIAGES**

Sec. 2.601. RIGHTS OF CERTAIN RELIGIOUS ORGANIZATIONS. Prohibits a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister from being required to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief.

Sec. 2.602. DISCRIMINATION AGAINST RELIGIOUS ORGANIZATION PROHIBITED. Provides that a refusal to provide services, accommodations, facilities, goods, or privileges under Section 2.601 is not the basis for a civil or criminal cause of action or any other action by this

state or a political subdivision of this state to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from any protected organization or individual.

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2015.

# House Passes Bill on Pastors' Rights to Refuse Gay Marriages

- by [Aman Batheja](#)
- May 21, 2015

A bill clarifying that clergy members have the right to refuse to conduct marriages violating their beliefs tentatively passed the Texas House 141-2 Thursday.

Critics argue the so-called Pastor Protection Act, [Senate Bill 2065](#), is aimed at making it tougher for same-sex couples to marry in Texas, should the U.S. Supreme Court legalize gay marriages. The bill's author, state Sen. [Craig Estes](#), R-Wichita Falls, has said the bill is about protecting pastors "who have a strong religious belief " against same-sex marriage.

The bill passed out of the Senate earlier this month [on a 21-10 vote](#), with one Democrat joining Republicans in support.

Yet most Democrats in the Texas House voted for the bill, and made it clear Thursday that they believe the measure protects religious institutions supporting gay marriage as well as those that oppose it.

"I truly believe that there is space for LGBT justice and religious freedom and this, I feel, is the space for that," said state Rep. [Mary González](#), D-Clint, who has called herself the only openly pansexual elected official in the nation.

State Rep. [Celia Israel](#), D-Austin, said in a speech supporting the bill that she will one day marry her longtime lesbian partner in Texas. Pastors that don't support their union shouldn't worry about her trying to get them to conduct the ceremony, she said. SB 2065, Israel argued, would ensure that a clergy member that wants to support the ceremony can.

"This Roman Catholic urges you to vote yes," Israel said.

Ahead of Thursday's vote, Equality Texas withdrew its opposition to the measure and encouraged House Democrats to vote for it.

The bill's House sponsor, state Rep. [Scott Sanford](#), R-McKinney, described the bill as "a shield and not a sword" and noted that it did not change "the role of state government in issuing marriage licenses."

State Rep. [Patricia Harless](#), R-Spring, said the bill was about protecting pastors who feared what may happen in the future related to marriage and the law.

"Maybe pastors won't be sued, but we need some protection in case they are," Harless said.

The two “no” votes on the bill were state Reps. [Terry Canales](#), D-Edinburg, and [Armando Walle](#), D-Houston.

During the House debate, Canales asked Sanford about what situation the bill was trying to prevent, as he was not aware of a situation in which a religious clergy member has been prosecuted for not marrying a couple.

“I don’t think you should force somebody to marry anybody,” Canales said.

If the bill receives final approval in the House, it will go to Gov. [Greg Abbott](#)'s desk. Abbott has indicated he will sign the bill.

<https://www.texastribune.org/2015/05/21/house-passes-bill-assuring-pastors-right-refuse-co/>

Email

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## Legislation

### 2015: 84th Regular Session

The 84th Regular Session of the Texas Legislature convened on Tuesday, January 13, 2015. The 31 members of the Texas Senate and the 150 members of the Texas House of Representatives will consider legislation that directly impacts the lives of 26 million Texans. Throughout the 84th legislative session, Equality Texas will aggressively advocate and lobby for the elimination of discrimination based on sexual orientation and gender identity/expression.



#### Formerly Opposed Legislation (concerns have been resolved)

[Pastor's Protection Bill](#)

[>](#)

## Pastor's Protection Bill

[HB 3567 – Sanford](#)

[SB 2065 – Estes](#)

Nothing is more fundamental to the American experience than the free practice of religion. No church or other religious institution, or clergy person acting in their official capacity as a religious leader, can be forced to celebrate, recognize or serve a person that that institution or person's religious belief calls on them to shun. SB 2065 enumerates that already-existing right. The bill is less clear than is ideal that those protections do not extend to a clergy person who is employed by the government or a private employer that requires that services and goods must be provided without bias. Clarity regarding the narrowness of the bill was provided by the author and sponsor in the floor debate on the bill, which is a part of the official legislative record.

The final version of this bill, along with the clarified intent in the record, are proof that religious liberty and the freedom to marry are not mutually exclusive concepts and that both can be celebrated and protected by the law.

### Take Action

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