

SUBJECT: Disclosure privilege for sermons delivered by a religious leader

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — Cook, Farney, Geren, Harless, Huberty, Kuempel, Minjarez, Oliveira

0 nays

4 absent — Giddings, Craddick, Smithee, Sylvester Turner

1 present, not voting — Farrar

SENATE VOTE: On final passage, April 28 — 30-1 (Zaffirini)

WITNESSES: No public hearing

DIGEST: SB 2048 would amend the Civil Practice and Remedies Code by adding a chapter on discovery by a governmental unit. Under the new chapter, a governmental unit would be prohibited, in any civil action or administrative proceeding, from compelling the production or disclosure of a written copy or recording of a sermon delivered by a religious leader during religious worship of a religious organization. The religious leader also could not be compelled to testify regarding the sermon.

SUPPORTERS SAY: SB 2048 would ensure the First Amendment rights of religious leaders by prohibiting governmental entities from compelling them to divulge the contents of their sermons or to testify in civil court about what they say from the pulpit. The bill is narrowly tailored to protect religious liberty and freedom of speech from government overreach and intimidation. It would apply only to a sermon and not to information such as a church's financial records.

OPPONENTS SAY: SB 2048 could limit a judge's discretion by categorically withdrawing a religious sermon from a civil proceeding. The bill could have unintended consequences with respect to churches involved in litigation on financial

or property issues.