



## ANTI-LGBT DISCRIMINATION BILLS IN TEXAS

Right-wing pressure groups and politicians are campaigning across the country for laws that protect and even promote discrimination against lesbian, gay, bisexual and transgender (LGBT) people. In Texas that campaign has become an all out assault on LGBT individuals and their families. Lawmakers in the current Texas legislative session have filed at least 23 bills that would allow and in some cases mandate discrimination – even criminal prosecution – against LGBT Texans.

- Two amendments to the Texas Constitution and other bills would allow businesses, government employees and other individuals to use religion as a justification for legally discriminating against LGBT people and ignoring many other laws.
- Such bills paint Texas as intolerant and unwelcoming. In fact, a growing number of faith leaders have expressed their opposition to these bills. In addition, prominent business leaders have warned that the constitutional amendments, in particular, would create a hostile business environment and undermine the state's ability to attract employers.
- Some anti-LGBT bills in Texas are so extreme that they would punish public employees who obey court orders to issue licenses for or recognize same-sex marriages. They would also turn employers and building managers into bathroom police who would be subject to criminal prosecution if they don't bar transgender people from using restrooms that are appropriate to their gender identity. Transgender people themselves could also face criminal prosecution if they fail to use the "right" restroom.
- Throwing their allegiance to "local control" out the window, conservative lawmakers have also proposed bills that would effectively repeal any measures passed by cities and counties that bar discrimination in employment, housing and/or public accommodations based on sexual orientation or gender identity or expression.

### Legislation That Allows the Use of Religion to Discriminate

Two constitutional amendments, **SJR 10** by state Sen. Donna Campbell, R-New Braunfels, and **HJR 125** by state Rep. Matt Krause, R-Fort Worth, would essentially replace the state's current Religious Freedom Restoration Act (RFRA), which allows challenges to laws that "substantially burden" religious practices. The constitutional amendments would seriously lower that bar, permitting a challenge if a law is seen as imposing *any* perceived burden, substantial or otherwise. They also don't include carefully crafted provisions in the current Texas RFRA protecting anti-discrimination laws and other important measures. In fact, the two amendments are so broad that they would open the door to challenges to many laws, even those dealing with domestic and sexual violence and child abuse.

While the constitutional amendments require a two-thirds vote in the Texas House and Senate as well as passage by Texas voters, four similar bills require just a simple majority vote in both legislative chambers. **HB 2553** by state Rep. Molly White, R-Belton, **HB 3567** by state Rep. Scott Sanford, R-McKinney/**SB 2065** by state Sen. Craig Estes, R-Wichita Falls, **HB 3602** by state Rep. Cecil Bell, R-Magnolia, and **SB 1799** by state Sen. Larry Taylor, R-Friendswood, would allow individuals, businesses and other organizations the right, based on religious beliefs or "conscientious" objections, to discriminate against LGBT individuals and families. **HB 3864** by state Rep. Scott Sanford, R-McKinney, would permit child welfare organizations to discriminate against qualified families for religious reasons.

### Legislation Sweeping Away Nondiscrimination Measures at the Local Level

Five proposed bills take different approaches to subverting the authority of local governments to enact ordinances and other measures that protect LGBT people from discrimination in employment, housing and public services. Some of the most vicious anti-gay voices in the state have objected to those local nondiscrimination ordinances, especially in Houston, San Antonio and Plano, as somehow violating their religious freedom.

**HB 540** by state Rep. Phil King, R-Weatherford, would force local municipalities to give the state attorney general the authority to pre-approve before a public vote all local referendum measures that have been proposed by petition and that would enact or repeal ordinances – including nondiscrimination ordinances.

**HB 1556** by state Rep. Rick Miller, R-Sugar Land, **HB 1911** by state Rep. Jeff Leach, R-Plano, **SB 343** by state Sen. Don Huffines, R-Dallas, and **SB 1155** by state Sen. Bob Hall, R-Edgewood, would all effectively bar local nondiscrimination ordinances that protect LGBT people and others not already protected by state law.

#### **Legislation Subverting the Courts on the Freedom to Marry**

Six bills seek to subvert a possible U.S. Supreme Court ruling that the state’s same-sex marriage ban is unconstitutional. These bills represent, in essence, a temper tantrum by lawmakers who refuse to accept the freedom to marry for LGBT Texans. And it would be an expensive tantrum for taxpayers, who would be forced to foot the bill for defending against inevitable lawsuits the state would almost certainly lose.

**HB 623** and **HB 4105** by state Rep. Cecil Bell, R-Magnolia, would punish public employees who comply with a court order requiring the state to recognize same-sex marriages. They also bar the use of public funds to license or recognize any same-sex marriage in the state.

**HB 1745** by state Rep. Cecil Bell, R-Magnolia, and **SB 673** by state Sen. Charles Perry, R-Lubbock, would place the issuance of marriage licenses under the authority of Secretary of State instead of county clerks. The bills also bar state or local funds from being used for licensing, registering or otherwise recognizing same-sex marriages.

**HB 2555** by state Rep. Molly White, R-Belton, straight up rejects a U.S. Supreme Court ruling against the state’s same-sex marriage ban, while **HB 3890** by state Rep. Phil Stephenson, R-Wharton, prohibits benefits for same-sex spouses under a public retirement system.

#### **Legislation Requiring Discrimination Against Transgender Texans**

Four “bathroom police” bills would turn transgender people into criminals if they use a restroom that is appropriate to their gender identity. Moreover, employers and building managers would be forced – under threat of felony prosecution – to verify the gender of individuals who use their restrooms.

**HB 1747** by state Rep. Debbie Riddle, R-Tomball, would allow for the criminal prosecution of transgender individuals who use a public restroom that is appropriate for their gender identity but not the gender noted on a driver’s license or personal identification card issued by the state.

**HB 1748** by state Rep. Debbie Riddle, R-Tomball, would allow for the criminal prosecution of a transgender individual who uses a public locker room, shower facility or toilet facility that is appropriate for his or her gender identity but not the gender “established by the individual’s chromosomes.” An operator, manager, superintendent or other person with authority over a building would be subject to felony prosecution for allowing a transgender person to use the “wrong” restroom (according to the state’s definition of gender).

**HB 2801** by state Rep. Gilbert Peña, R-Pasadena, would subject any school district to a fine of \$2,000 if it allows a transgender person to use a bathroom, locker room or shower facility appropriate to his or her gender identity but not to his or her “biological sex.” It requires school districts to provide an alternate bathroom, locker room or shower facility for transgender students.

**HB 2802** by state Rep. Gilbert Peña, R-Pasadena, would make it a crime for a transgender person to use a public restroom, locker room or shower facility that is appropriate to his or her gender identity. Even worse, transgender people could be forced to pay \$2,000 to individuals who sue them for using what the state considers the “wrong” restroom.