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RELIGIOUS FREEDOM ACT - TEXAS

Perez v. City of San Antonio

Supreme Court of Texas - June 13, 2025 - S.W.3d - 2025 WL 1675639 - 68 Tex. Sup. Ct. J. 1197

Members of Native American church brought action alleging that city's development plan for public park prevented them from performing ceremonies essential to their religious practice, in violation of Free Exercise Clause, Texas Religious Freedom Restoration Act (RFRA), and the Religious Services Clause of the State Constitution.

The United States District Court for the Western District of Texas granted motion for preliminary injunction in part. Members appealed. The Court of Appeals certified question.

As matters of first impression, the Supreme Court held that:

- Force of Religious Services Clause is absolute and categorical, but Scope of Clause is not unlimited, and it does not extend to governmental actions for preservation and management of public
- lands.

When the Religious Services Clause of the State Constitution applies, its force is absolute and categorical, meaning it bars a governmental prohibition or limitation on religious services without regard to whether the prohibition or limitation passes strict scrutiny or any other test that balances the right against the government's interests.

Scope of the Religious Services Clause of the State Constitution, forbidding a law or governmental decision that prohibits or limits certain religious services, is not unlimited, and the Clause does not reach governmental actions taken to preserve and maintain public property for the safety and enjoyment of the public.