

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 541

By: Senator T. Garner

For An Act To Be Entitled

AN ACT RELATING TO THE PRIVILEGE FROM DISCLOSURE TO
STATE AND LOCAL AUTHORITIES FOR CERTAIN EVIDENCE
CONCERNING A SERMON, RELIGIOUS INSTRUCTION, OR
RELIGIOUS TEACHING DELIVERED BY A RELIGIOUS LEADER OR
MEMBER OF THE CLERGY; AND FOR OTHER PURPOSES.

Subtitle

RELATING TO THE PRIVILEGE FROM DISCLOSURE
TO AUTHORITIES FOR EVIDENCE CONCERNING A
SERMON, RELIGIOUS INSTRUCTION, OR
RELIGIOUS TEACHING DELIVERED BY A
RELIGIOUS LEADER OR MEMBER OF THE CLERGY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 40, Subchapter 1, is amended to add an additional section to read as follows:

16-40-107. Evidence of sermons by a religious leader.

(a) As used in this section:

(1) "Religious leader or member of the clergy" includes without limitation a:

- (A) Minister;
- (B) Pastor;
- (C) Preacher;
- (D) Priest;
- (E) Nun;
- (F) Rabbi;



(G) Imam; or

(H) Layperson who is engaged in the ministering in, instruction of, or teaching of a religion; and

(2) "Religious organization" means an organization that qualifies as a religious organization under state or federal tax law.

(b) In a civil action or other civil administrative proceeding to which the state or a local government is a party, the state or the local government may not compel the:

(1) Production or disclosure of a written copy or an audio or video recording of a sermon, religious instruction, or religious teaching delivered by a religious leader or member of the clergy during religious services of a religious organization; or

(2) Religious leader or member of the clergy to testify regarding the sermon, religious instruction, or religious teaching described in subdivision (b)(1) of this section.

(c) This section does not apply to a civil action or other civil administrative proceeding to which the state or a local government is a party and that concerns a legitimate investigation into terrorism-related activities.

APPROVED: 4/9/19