

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 541

5 By: Senator T. Garner  
6

## For An Act To Be Entitled

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

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15 RELATING TO THE PRIVILEGE FROM DISCLOSURE  
16 TO AUTHORITIES FOR EVIDENCE CONCERNING A  
17 SERMON, RELIGIOUS INSTRUCTION, OR  
18 RELIGIOUS TEACHING DELIVERED BY A  
19 RELIGIOUS LEADER OR MEMBER OF THE CLERGY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 16, Chapter 40, Subchapter 1, is  
26 amended to add an additional section to read as follows:

27 16-40-107. Evidence of sermons by a religious leader.

28 (a) As used in this section:

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

31 (A) Minister;

32 (B) Pastor;

33 (C) Preacher;

34 (D) Priest;

35 (E) Nun;

36 (F) Rabbi;



1                   (G) Imam; or

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

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

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

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

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

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

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22                   **APPROVED: 4/9/19**  
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