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DIGEST

SB 306 Reengrossed

2026 Regular Session

Edmonds

Proposed law creates the crime of obstruction of the freedom of worship in a church or other place of worship.

Present law (18 U.S.C. §248) provides protections in federal law that allow federal law enforcement officials to make arrest and prosecute persons engaged in the illegal use of force, threats, injury, or intimidation to interfere with anyone exercising their First Amendment right to religious freedom at a church or other place of worship. Present law also prohibits intentional property damage of a church or other place of worship and protects attendees at the house of worship from violence.

Proposed law provides that the legislature declares that the purpose of proposed law is to enact protections that may be enforced at the state level, by state law enforcement authorities, in a similar manner that federal law enforcement authorities are able to protect the free exercise of the First Amendment right of religious freedom at a place of religious worship by prohibiting the use of force, threat, or intimidation to interfere with any person exercising their right to worship at a church or other place of worship.

Proposed law provides that no person shall obstruct or interfere with the freedom of worship in a church or other place of worship by:

- (1) Using force, the threat of force, physical obstruction, intentional injury to intimidate or interfere with any person lawfully exercising their right of the free exercise of religion at a church or other place of worship.
- (2) Intentionally damaging or destroying the property of a church or other place of worship.
- (3) Willfully denying an attendee, clergy, or staff member the lawful freedom of movement on the property owned by the church or other place of worship, lawful use of any property or facilities, or right to lawfully come and go on private property.
- (4) Willfully refusing or failing to leave the private property of the church or other place of worship when requested to do so by the clergy, when the person is committing, threatening to commit, or inciting others to commit any act of disruptive activity that is intended to disrupt, impair, interfere with or obstruct the worship service in a church or other place of worship.
- (5) Engaging in a disruptive activity at a church or other place of worship. Proposed law defines

"disruptive activity" to mean engaging in any unauthorized protest or any riot, disorderly conduct, harassment, obstruction of entrances or exits to the building, or other conduct that materially interferes with the orderly conduct of a scheduled worship service.

- (6) Knowingly funding, financing, or providing material support to a person who is engaging, or attempting to engage, in disruptive activities designed that are intended to interfere with the freedom of worship in a church or other place of worship.

Proposed law defines "church or other place of worship" to mean any building, structure, or defined outdoor area that is owned, leased, or otherwise lawfully possessed by a religious organization that is used for organized religious worship or other religious activities.

Proposed law defines "religious organization" to mean an entity that is operated for religious purposes and qualifies for exemption from taxation under the federal Internal Revenue Code.

Proposed law defines "attendee", "clergy", "disruptive activity", and "worship service".

Present law (18 U.S.C. §248) provides that federal law has criminal penalties for the illegal use of force, threats, physical obstruction, or injury to interfere with anyone exercising their First Amendment right to religious freedom at a church or other place of worship, as follows:

- (1) First offense is a fine of up to \$10,000 or imprisoned for not less than 15 days nor more than six months, or both.
- (2) Second or subsequent offense is a fine of up to \$25,000 with or without hard labor for not less than one year nor more than 18 months, or both.
- (3) For a first, second, or subsequent offence that results in bodily injury, the offender shall be sentenced to not more than ten years, with hard labor.

Proposed law provides that the penalties for obstruction of the freedom of worship in a church or other place of worship is, as follows:

- (1) First offense is a fine of up to \$10,000 or imprisoned for not less than 15 days nor more than six months, or both.
- (2) Second or subsequent offense is a fine of up to \$25,000 with imprisonment with or without hard labor for not less than one year nor more than 18 months, or both.
- (3) When the offense results in bodily injury, the offender shall be sentenced to not more than ten years, at hard labor.

Proposed law provides the following legislative findings:

- (1) The free exercise of religion and the right of individuals to assemble for worship services is

protected by the First Amendment to the U.S. Constitution and the La. Constitution.

- (2) In 2023, the legislature and the people of La. adopted an amendment to the La. Constitution which provides that the freedom to worship in a church or other place of worship is a fundamental right that is worthy of the highest order of protection.
- (3) The intentional interference with a scheduled worship service undermines these fundamental rights to the free exercise of religion and the freedom to worship by disrupting the orderly practice of religion and can create a danger to persons attending the worship service.
- (4) The right to engage in a peaceful protest is essential to a free society of people, and the right extends to public places that are traditionally open to political speech and debate, including public streets, sidewalks, and parks, with minimal constitutional restrictions; however, that right has never been interpreted to authorize the trespass or disruptive activity on private property, such as a home or a church or other place of worship.
- (5) Prevention of the willful disruption of worship services and religious activities is a matter of statewide concern.
- (6) It is a compelling interest of this state to protect the ability of its people to meet and assemble for the exercise of religious worship and other religious activities guaranteed by the U.S. Constitution and the La. Constitution.
- (7) It is imperative to a free society and the survival of a constitutional republic that the state of La. protects attendees in a church or other places of worship so that the attendees are free from intentional acts that materially interfere or disrupt a scheduled worship service or other religious activity that is conducted on the private property set aside by the religious organization for protected religious assemblies.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:38.6)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Adds a mandatory minimum time of imprisonment for a first offense.