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## DIGEST

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HB 9 Reengrossed

2020 Second Extraordinary Session

McCormick

**Abstract:** Provides for protections for the free exercise of religion.

Proposed law provides for legislative findings by declaring that emergency powers in present law were not intended to violate the religious liberty guaranteed in Article I, Section 8 of the Constitution of La. and the First Amendment of the Constitution of the U.S.

Proposed law provides that the legislature finds that in addition to providing for the spiritual needs of individuals, churches and other religious organizations:

- (1) Provide food, clothing, and household items to the poor and those in need due to hurricanes and other emergency disaster events.
- (2) Conduct or facilitate addiction recovery meetings which decrease the number of suicides and drug overdoses in the community.

Proposed law prohibits any government official, government agency, or other entity to utilize any emergency power to impose a criminal penalty including confining a person to the parish jail or other correctional facility, imposing a fine, or imposing any other monetary penalty under any of the following circumstances:

- (1) Attending or conducting a church service or similar religious assembly.
- (2) Providing or distributing food, clothing, or household items at a church or other religious facility to the poor or hungry or delivering those items to the needy.
- (3) Conducting or attending an addiction recovery meeting at a church or other religious facility.

Proposed law further provides that no natural or juridical person shall be liable for any criminal penalty, fine, or other monetary penalty and shall not be confined to the parish jail or other correctional facility for conducting any activity as provided in proposed law during a declared state of emergency pursuant to present law.

Provides that proposed law shall be remedial in nature and shall apply to all actions, charges, or claims pending on or filed after the effective date of proposed law.

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

(Adds R.S. 29:738.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove proposed law provisions which provide for immunity from civil liability and criminal prosecution for assembling to exercise religious freedom during a public health emergency.
2. Add legislative findings.
3. Add a prohibition of any government official, government agency, or other entity from utilizing any emergency power to impose a criminal penalty under certain circumstances.
4. Add an exemption from any criminal penalty, fine, other monetary penalty, or confinement in the parish jail or other correctional facility.
5. Add provision for applicability to all actions, charges, or claims pending on or filed after the effective date of proposed law.