

2020 Second Extraordinary Session

HOUSE BILL NO. 71

BY REPRESENTATIVE HODGES

RELIGIOUS ORGANIZATIONS: Provides relative to restrictions that apply to a church, synagogue, temple, or place of worship during a state of emergency (Items #2 and 28)

1 AN ACT

2 To amend and reenact R.S. 29:736(D) and to enact R.S. 29:723(20) and 736(E), (F), and
3 (G), relative to restrictions on religious worship during a state of emergency; to
4 provide for executive instruments; to prohibit discrimination against places of
5 worship; to limit restrictions on a place of worship; to provide for definitions; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:736(D) is hereby amended and reenacted and R.S. 29:723(20) and
9 736(E), (F), and (G) are hereby enacted to read as follows:

10 §723. Definitions

11 As used in this Chapter:

12 * * *

13 (20) "Executive instrument" means any executive order, proclamation,
14 regulation, suspension of regulation, directive, or other instrument executed by the
15 governor, an executive of a political subdivision, or other official pursuant to this
16 Chapter.

17 * * *

18 §736. Exclusion

19 * * *

1 D.(1) Nothing in this Chapter shall be interpreted to diminish the rights
2 guaranteed to all persons under the Declaration of Rights of the Louisiana
3 Constitution or the Bill of Rights of the United States Constitution.

4 (2)(a) Article I, Section 8 of the Louisiana Constitution guarantees the
5 freedom of religion. In order to ensure the constitutionality of any executive
6 instrument provided for in this Chapter which directs any church, synagogue, temple,
7 or place of worship to conduct its activities under any restrictions, the executive
8 instrument shall include a written analysis of how the executive instrument does not
9 violate the provisions of R.S. 13:5233.

10 (b) Notwithstanding any other provision of law to the contrary, the
11 government shall provide protections of the highest order to every church,
12 synagogue, temple, or place of worship and shall not discriminate against any
13 church, synagogue, temple, or place of worship by requiring restrictions that are
14 greater than the least severe restrictions that are imposed upon or enforced against
15 any secular business, service, or assembly.

16 E. This Chapter shall not violate Article II (Distribution of Powers), Article
17 III (Legislative Branch), or Article V (Judicial Branch) of the Louisiana Constitution.

18 F. The courts shall be open, and every person shall have an adequate remedy
19 by due process of law and justice, administered without denial, partiality, or
20 unreasonable delay, for injury to him in his person, property, reputation, or other
21 rights. The orders of all courts shall have their full force and effect.

22 G. The legislature may call itself into session at any time and shall exercise
23 its powers and duties. Its ability to enact law, appropriate funds, and confirm
24 appointees shall be in full force. The privileges and immunities of legislators shall
25 be respected.

26 Section 2. The Louisiana State Law Institute is hereby authorized and directed to
27 renumber the definitions in R.S. 29:723 to ensure that they are in alphabetical order.

28 Section 3. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 71 Original

2020 Second Extraordinary Session

Hodges

Abstract: Prohibits discrimination against a place of worship and limits restrictions placed upon a place of worship during a state of emergency.

Present law authorizes the governor or a parish president to declare a state of emergency pursuant to the La. Homeland Security and Emergency Assistance and Disaster Act (HSEADA).

Present law (R.S. 13:5233) provides that government shall not substantially burden a person's exercise of religion, even if the burden results from a facially neutral rule or a rule of general applicability, unless it demonstrates that application of the burden to the person is both in furtherance of a compelling governmental interest and the least restrictive means of furthering that compelling governmental interest.

Proposed law requires that in order to ensure the constitutionality of any executive instrument which directs any church, synagogue, temple, or place of worship to conduct its activities under any restrictions, the executive instrument shall include a written analysis of how the executive instrument does not violate present law provisions relative to burdening a person's exercise of religion.

Proposed law requires that the government shall not discriminate against any church, synagogue, temple, or place of worship by requiring restrictions that are greater than the least severe restrictions that are imposed upon or enforced against any secular business, service, or assembly.

Proposed law defines "executive instrument" as any executive order, proclamation, regulation, suspension of regulation, directive, or other instrument executed by the governor, an executive of a political subdivision, or other official issued pursuant to the HSEADA.

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

(Amends R.S. 29:736(D); Adds R.S. 29:723(20) and 736(E), (F), and (G))