
DIGEST

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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))