

HOUSE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 371 by Representative Amedee

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before the "relative" delete "R.S. 13:5233" and insert the following:

"R.S. 13:5232 (1), 5233, 5234 (3), (5), and (6)(introductory paragraph), 5237, 5239, and 5240 (A) and (B) and to enact R.S. 13:5232(7) and 5233.1"

AMENDMENT NO. 2

On page 1, at the end of line 4, delete "and to" and insert "to provide for an effective date; and to"

AMENDMENT NO. 3

On page 1, line 7, after "Section 1." delete the remainder of the line and insert the following:

"R.S. 13:5232 (1), 5233, 5234 (3), (5), and (6)(introductory paragraph), 5237, 5239, and 5240 (A) and (B) are hereby amended and reenacted and R.S. 13:5232(7) and 5233.1 are hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 1, between lines 7 and 8 insert the following:

"§5232. Legislative findings
The legislature finds and declares that:
(1) ~~Free~~ The free exercise of religion is a fundamental right of the highest order in this state.

* * *

(7) In 2023, the legislature and the people of Louisiana adopted Article XII, Section 17 of the Constitution of Louisiana which provides for the freedom of worship in churches or other places of worship."

AMENDMENT NO. 5

On page 1, at the end of line 17, delete the comma "," and at the beginning of line 18, delete "synagogue, temple,"

AMENDMENT NO. 6

On page 1, line 19, after "church" delete the comma "," and delete "synagogue, temple,"

AMENDMENT NO. 7

On page 2, after line 2, add the following:

"§5233.1. Protection of the freedom of worship in churches and other religious institutions; protection of religious education
A. If a church or other place of worship has met the requirements for zoning, building code, fire safety regulation, and has received an occupancy license for the use of the building, the government shall not do any of the following:

(1) Restrict or deny the use of the building for a meeting based upon the day of the week the building is being used.

(2) Restrict or deny the use of the building based upon the content or types of religious instruction, education, or activities conducted in the building.

(3) Restrict or deny the use of the building for a mother's day out program.

(4) Restrict or deny the use of the building for a meeting of two or more parents or children participating in a home study program, pursuant to R.S. 17:236.1, for the purpose of the following:

(a) Increasing their child's academic performance.

(b) Completing courses required for a Taylor Opportunity Program for Students scholarship pursuant to R.S. 17:5001.

(c) Facilitating socialization for student enrichment.

(d) Facilitating student recreational or athletic activities.

(5) Restrict or deny the use of the building for a Vacation Bible School or a Bible camp.

B. Nothing in this Section shall prevent enforcement of Title 14 of the Louisiana Revised Statutes of 1950 or any other applicable provisions of criminal law.

§5234. Definitions

In this Part, unless the context otherwise requires:

* * *

(3) "Compelling state interest" means a government interest of the highest magnitude that cannot otherwise be achieved without burdening a person's right to the free exercise of religion and includes the interest of the state to protect the best interest of a child and the health, safety, and welfare of a child.

* * *

(5) "Exercise of religion" means the practice or observance of religion under Article 1, Section 8, of the Constitution of Louisiana and the First Amendment of the Constitution of the United States of America and includes the ability to act or refuse to act in a manner substantially motivated by a sincerely-held religious belief, whether or not the exercise is compulsory or a central part or central requirement of the person's religious belief and includes the freedom of worship in churches or other places of worship under Article XII, Section 17 of the Constitution of Louisiana.

(6) "Government" ~~or~~ "governmental agency", or "agency" means any of the following:

* * *

§5237. Remedies

Subject to the provisions of R.S. 13:5240(C), a person whose religious exercise is being, has been, or is likely to be burdened in violation of this Part may assert that violation as a claim or defense in ~~a judicial~~ an administrative or other proceeding and obtain appropriate relief, not to include punitive or exemplary damages, without regard to whether the proceeding is brought in the name of the state or by any other person, including but not limited to:

(1) Injunctive relief, protective order, writ of mandamus or prohibition, or declaratory relief to prevent any violation of these provisions.

(2) The actual damages, reasonable attorney fees, and court costs, including court approved expert witness fees.

* * *

§5239. Remediation

Prior to the expiration of the thirty-day period referred to in R.S. 13:5238, an agency which receives notice in accordance with R.S. 13:5238 may remedy the substantial burden on the person's free exercise of religion. A person with respect to whom a substantial burden on the person's free exercise of religion has been cured may not bring an action under this ~~Section~~ Part or shall dismiss such action if it is already pending.

§5240. Limitations and procedures

A. Except as stated in Subsection B of this Section, and except as to objections, protective orders or writs of mandamus or prohibition, the provisions of

the Louisiana Governmental Claims Act, R.S. 13:5101 through 5108, as applicable, shall apply to an action ~~under~~ pursuant to this Part.

B. A person shall bring an action to assert a claim for damages under this Part not later than one year after any of the following:

(1) ~~the~~ The date the person knew or should have known of the substantial burden on the person's free exercise of religion.

(2) The date that an action pursuant to this Part was dismissed by an administrative law judge or a court, or there was a finding in favor of the person on the merit which resulted in a claim authorized pursuant to this Part.

(3) Mailing notice under R.S. 13:5238 shall toll the one-year period until the seventy-fifth day after the date on which the notice is mailed.

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AMENDMENT NO. 8

On page 2, after line 2, add the following:

"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."