

2025 Regular Session

HOUSE BILL NO. 371

BY REPRESENTATIVES AMEDEE, BAYHAM, CREWS, EDMONSTON, EGAN,
MACK, MCCORMICK, AND OWEN AND SENATOR HODGES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RELIGIOUS ORGANIZATIONS: Provides relative to the free exercise of religion

1 AN ACT

2 To amend and reenact R.S. 13:5232(1), 5233, 5234(3), (5), and (6)(introductory paragraph),
3 5237, 5239, and 5240(A) and (B) and to enact R.S. 13:5232(7) and 5233.1, relative
4 to the Preservation of Religious Freedom Act; to provide relative to the free exercise
5 of religion; to provide for protections for places of worship; to prohibit certain
6 restrictions against places of worship; to provide for an effective date; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:5232 (1), 5233, 5234 (3), (5), and (6)(introductory paragraph),
10 5237, 5239, and 5240 (A) and (B) are hereby amended and reenacted and R.S. 13:5232(7)
11 and 5233.1 are hereby enacted to read as follows:

12 §5232. Legislative findings

13 The legislature finds and declares that:

14 (1) ~~Free~~ The free exercise of religion is a fundamental right of the highest
15 order in this state.

16 * * *

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

20 §5233. Free exercise of religion protected

21 A. Government shall not substantially burden a person's exercise of religion,
22 even if the burden results from a facially neutral rule or a rule of general

1 applicability, unless it demonstrates that application of the burden to the person is
2 both:

3 (1) In furtherance of a compelling governmental interest.

4 (2) The least restrictive means of furthering that compelling governmental
5 interest.

6 B. Notwithstanding any other provision of law to the contrary, the
7 government shall provide protections of the highest order to every church or other
8 place of worship and shall not discriminate against any church or other place of
9 worship by requiring restrictions that are greater than the least severe restrictions that
10 are imposed upon or enforced against any secular business, service, or assembly.

11 §5233.1. Protection of the freedom of worship in churches and other religious
12 institutions; protection of religious education

13 A. If a church or other place of worship has met the requirements for zoning,
14 building code, fire safety regulation, and has received an occupancy license for the
15 use of the building, the government shall not do any of the following:

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

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

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

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

24 (a) Increasing their child's academic performance.

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

27 (c) Facilitating socialization for student enrichment.

28 (d) Facilitating student recreational or athletic activities.

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

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

6 §5234. Definitions

7 In this Part, unless the context otherwise requires:

8 * * *

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

13 * * *

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

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

23 * * *

24 §5237. Remedies

25 Subject to the provisions of R.S. 13:5240(C), a person whose religious
26 exercise is being, has been, or is likely to be burdened in violation of this Part may
27 assert that violation as a claim or defense in ~~a judicial~~ an administrative or other
28 proceeding and obtain appropriate relief, not to include punitive or exemplary

1 damages, without regard to whether the proceeding is brought in the name of the
2 state or by any other person, including but not limited to:

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

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

7 * * *

8 §5239. Remediation

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

15 §5240. Limitations and procedures

16 A. Except as stated in Subsection B of this Section, and except as to
17 objections, protective orders or writs of mandamus or prohibition, the provisions of
18 the Louisiana Governmental Claims Act, R.S. 13:5101 through 5108, as applicable,
19 shall apply to an action ~~under~~ pursuant to this Part.

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

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

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

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

29 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 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 371 Engrossed

2025 Regular Session

Amedee

Abstract: Requires the government to provide protections to places of worship and prohibits discrimination in certain circumstances.

Proposed law provides that the government shall provide protections of the highest order to every place of worship.

Proposed law provides that the government shall not discriminate against a 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 provides that in 2023, the legislature adopted Article XII, Section 17 of the Constitution of Louisiana.

Proposed law (R.S. 13:5233.1) provides that 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, the government shall restrict or deny the use of the building in any of the following manners:

- (1) Based upon the day of the week the building is being used.
- (2) Based upon the content or types of religious instruction, education, or activities conducted in the building.
- (3) For a mother's day out program.
- (4) For a meeting of two or more parents or children participating in a home study program.
- (5) For a vacation Bible school or Bible camp.

Proposed law provides that nothing in proposed law shall prevent enforcement of Title 14 of the La. Revised Statutes of 1950 or any other applicable provisions of criminal law.

Proposed law expands the definition of "compelling state interest" and "exercise of religion".

Present law provides that a violation of the preservation of religious freedom act is asserted as a claim or defense in judicial proceeding.

Proposed law changes present law to provide that a violation of the preservation of religious freedom act is asserted as a claim or defense in an administrative proceeding rather than a judicial proceeding.

Proposed law expands the remedies to include court approved expert witness fees.

Proposed law provides that a person shall bring an action to assert a claim for damages not later than one year after the date that an action 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 the Preservation of Religious Freedom Act.

Proposed law provides that an action can be asserted no later than one year from the seventy-fifth day after the date on which the notice is mailed pursuant to R.S. 13:5238.

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

(Amends R.S. 13:5232(1), 5233, 5234 (3), (5), and (6)(intro. para.), 5237, 5239, and 5240(A) and (B); Adds R.S. 13:5232(7) and 5233.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Make reference to Article XII, Section 17 of the La. Constitution with respect to the legislative findings for the Preservation of Religious Freedom Act.
3. Expand the definition of "compelling state interest" and "exercise of religion".
4. Change that a violation of the Preservation of Religious Freedom Act is asserted as a claim or defense in an administrative proceeding rather than a judicial proceeding.
5. Expand the remedies to include court-approved expert witness fees.
6. Provide that a person shall bring an action to assert a claim for damages not later than one year after the date that an action 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 the Preservation of Religious Freedom Act.
7. Provide that an action can be asserted no later than one year from the 75th day after the date on which the notice is mailed pursuant to R.S. 13:5238.
8. Remove synagogue and temple.
9. Provide for an effective date.