HLS 25RS-936 REENGROSSED

2025 Regular Session

HOUSE BILL NO. 371

BY REPRESENTATIVES AMEDEE, BAYHAM, BERAULT, CARRIER, CARVER, CHENEVERT, COX, CREWS, DEVILLIER, EDMONSTON, EGAN, FIRMENT, GLORIOSO, HORTON, MACK, MCCORMICK, MOORE, OWEN, SCHAMERHORN, TARVER, TAYLOR, VENTRELLA, WILDER, AND WYBLE 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 R.S. 17:407.33(1) and to enact R.S. 13:5232(7)
4	and 5233.1 and R.S. 17:236.1(H) and 407.33(9) and (10), relative to the Preservation
5	of Religious Freedom Act; to provide relative to the free exercise of religion; to
6	provide for protections for places of worship; to prohibit certain restrictions against
7	places of worship; to provide for an effective date; to provide relative to home study
8	cooperatives; to provide for definitions; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 13:5232(1), 5233, 5234(3), (5), and (6)(introductory paragraph),
11	5237, 5239, and 5240(A) and (B) are hereby amended and reenacted and R.S. 13:5232(7)
12	and 5233.1 are hereby enacted to read as follows:
13	§5232. Legislative findings
14	The legislature finds and declares that:
15	(1) Free The free exercise of religion is a fundamental right of the highest
16	order in this state.
17	* * *
18	(7) In 2023, the legislature and the people of Louisiana adopted Article XII,
19	Section 17 of the Constitution of Louisiana which provides for the freedom of
20	worship in churches or other places of worship.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	§5233. Free exercise of religion protected
2	A. Government shall not substantially burden a person's exercise of religion,
3	even if the burden results from a facially neutral rule or a rule of general
4	applicability, unless it demonstrates that application of the burden to the person is
5	both:
6	(1) In furtherance of a compelling governmental interest.
7	(2) The least restrictive means of furthering that compelling governmental
8	interest.
9	B. Notwithstanding any other provision of law to the contrary, the
10	government shall provide protections of the highest order to every church or other
11	place of worship and shall not discriminate against any church or other place of
12	worship by requiring restrictions that are greater than the least severe restrictions that
13	are imposed upon or enforced against any secular business, service, or assembly.
14	§5233.1. Protection of the freedom of worship in churches and other religious
15	institutions; protection of religious education
16	A. If a church or other place of worship has met the requirements for zoning,
17	building code, and fire safety regulation, and has received an occupancy license for
18	the use of the building, the government shall not do any of the following:
19	(1) Restrict or deny the use of the building for a meeting based upon the day
20	of the week the building is being used.
21	(2) Restrict or deny the use of the building based upon the content or types
22	of religious instruction, education, or activities conducted in the building.
23	(3) Restrict or deny the use of the building for a mother's day out program.
24	(4) Restrict or deny the use of the building for a meeting of two or more
25	parents or children participating in a home study program, pursuant to R.S. 17:236.1,
26	for the purpose of the following:
27	(a) Increasing their child's academic performance.
28	(b) Completing courses required for a Taylor Opportunity Program for
29	Students scholarship pursuant to R.S. 17:5001 et seq.

1	(c) Facilitating socialization for student enrichment.
2	(d) Facilitating student recreational or athletic activities.
3	(5) Restrict or deny the use of the building for a Vacation Bible School or
4	a Bible Camp.
5	B. Nothing in this Section shall prevent enforcement of Title 14 of the
6	Louisiana Revised Statutes of 1950 or any other applicable provisions of criminal
7	<u>law.</u>
8	§5234. Definitions
9	In this Part, unless the context otherwise requires:
10	* * *
11	(3) "Compelling state interest" means a government interest of the highest
12	magnitude that cannot otherwise be achieved without burdening a person's right to
13	the free exercise of religion and includes the interest of the state to protect the best
14	interest of a child and the health, safety, and welfare of a child.
15	* * *
16	(5) "Exercise of religion" means the practice or observance of religion under
17	Article 1, Section 8, of the Constitution of Louisiana and the First Amendment of the
18	Constitution of the United States of America and includes the ability to act or refuse
19	to act in a manner substantially motivated by a sincerely-held religious belief,
20	whether or not the exercise is compulsory or a central part or central requirement of
21	the person's religious belief and includes the freedom of worship in churches or other
22	places of worship under Article XII, Section 17 of the Constitution of Louisiana.
23	(6) "Government" or , "governmental agency", or "agency" means any of the
24	following:
25	* * *
26	§5237. Remedies
27	Subject to the provisions of R.S. 13:5240(C), a person whose religious
28	exercise is being, has been, or is likely to be burdened in violation of this Part may

1	assert that violation as a claim or defense in a judicial an administrative or other
2	proceeding and obtain appropriate relief, not to include punitive or exemplary
3	damages, without regard to whether the proceeding is brought in the name of the
4	state or by any other person, including but not limited to:
5	(1) Injunctive relief, protective order, writ of mandamus or prohibition, or
6	declaratory relief to prevent any violation of these provisions.
7	(2) The actual damages, reasonable attorney fees, and <u>court</u> costs, <u>including</u>
8	court approved expert witness fees.
9	* * *
10	§5239. Remediation
11	Prior to the expiration of the thirty-day period referred to in R.S. 13:5238, an
12	agency which receives notice in accordance with R.S. 13:5238 may remedy the
13	substantial burden on the person's free exercise of religion. A person with respect
14	to whom a substantial burden on the person's free exercise of religion has been cured
15	may not bring an action under this Section Part or shall dismiss such action if it is
16	already pending.
17	§5240. Limitations and procedures
18	A. Except as stated in Subsection B of this Section, and except as to
19	objections, protective orders or writs of mandamus or prohibition, the provisions of
20	the Louisiana Governmental Claims Act, R.S. 13:5101 through 5108 et seq., as
21	applicable, shall apply to an action under pursuant to this Part.
22	B. A person shall bring an action to assert a claim for damages under this
23	Part not later than one year after any of the following:
24	(1) the The date the person knew or should have known of the substantial
25	burden on the person's free exercise of religion.
26	(2) The date that an action pursuant to this Part was dismissed by an
27	administrative law judge or a court, or there was a finding in favor of the person on
28	the merit which resulted in a claim authorized pursuant to this Part.

1	(3) Mailing notice under R.S. 13:5238 shall toll the one-year period until the
2	seventy-fifth day after the date on which the notice is mailed.
3	* * *
4	Section 2. R.S. 17:407.33(1) is hereby amended and reenacted and R.S. 17:236.1(H)
5	and 407.33(9) and (10) are hereby enacted to read as follows:
6	§236.1. Approval of home study programs
7	* * *
8	H.(1) Two or more parents whose children are participating in an approved
9	home study program may form a home study education cooperative for any of the
10	following purposes:
11	(a) Increasing a child's academic performance.
12	(b) Completing courses required for a Taylor Opportunity Program for a
13	student scholarship pursuant to R.S. 17:5001et seq.
14	(c) Facilitating socialization for student enrichment.
15	(d) Facilitating student recreational or athletic activities.
16	(2) For purposes of this Subsection, "home study education cooperative"
17	means one or more parents whose children are participating in an approved home
18	study program and the children meet in a parent's home, community center, church,
19	or place of worship to collectively study a curriculum chosen by the participating
20	<u>families.</u>
21	* * *
22	§407.33. Definitions
23	As used in this Part, the following terms have the following meanings unless
24	the context clearly indicates otherwise:
25	(1) "Camp" means any place or facility operated by any institution, society,
26	agency, corporation, person or persons, or any other group which serves only
27	children five years of age or older and operates only when school is not in session
28	during the summer months or school holidays including, but not limited to, a
29	Vacation Bible School, or Bible Camp.

1 2 (9) "Mother's day out program" means a religious enrichment program for 3 children offered at a church or other place of worship that meets the requirements of 4 R.S. 17:407.35(B). 5 (10) "Home study education cooperative", as defined in R.S. 17:236.1 that 6 meets the requirements of R.S. 17:407.35(B) and, therefore operates no more than 7 twenty-four hours in a continuous seven-day week. 8 Section 3. This Act shall become effective upon signature by the governor or, if not 9 signed by the governor, upon expiration of the time for bills to become law without signature 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become 12 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 Reengrossed

2025 Regular Session

Amedee

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

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

<u>Proposed law</u> 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.

<u>Proposed law</u> provides that in 2023, the legislature adopted Article XII, Section 17 of the Constitution of La.

<u>Proposed law</u> (R.S. 13:5233.1) provides that if a church or other place of worship has met the requirements for zoning, building code, and 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.

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- (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.

<u>Proposed law</u> provides that nothing in <u>proposed law</u> 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".

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

<u>Proposed law</u> changes <u>present law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> provides 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.

<u>Proposed law</u> provides that two or more parents whose children are participating in an approved home study program may form a home study education cooperative for any of the following purposes:

- (1) Increasing a child's academic performance.
- (2) Completing courses required for a Taylor Opportunity Program for a student scholarship pursuant to R.S. 17:5001 et seq.
- (3) Facilitating socialization for student enrichment.
- (4) Facilitating student recreational or athletic activities.

Proposed law defines "home study education cooperative" and "mother's day out program".

<u>Proposed law</u> expands the definition of "camp" to include a Vacation Bible School or Bible Camp.

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) and R.S. 17:407.33(1); Adds R.S. 13:5232(7) and 5233.1 and R.S. 17:236.1(H) and 407.33(9) and (10))

#### Summary of Amendments Adopted by House

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

1. Make technical changes.

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- 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.

## The House Floor Amendments to the engrossed bill:

- 1. Make technical changes.
- 2. Define "home study education cooperative" and "mother's day out program".
- 3. Expand the definition of "camp" to include a Vacation Bible School or Bible Camp.
- 4. Provide that two or more parents whose children are participating in an approved home study program may form a home study education cooperative in certain circumstances.
- 5. Provide that home study education cooperative operate no more than 24 hours in a continuous seven-day week.