

BY REPRESENTATIVES FIRMENT, AMEDEE, BACALA, BAYHAM, BERAULT, BILLINGS, CARLSON, CARRIER, CARVER, CHENEVERT, COATES, COX, CREWS, DESHOTEL, DEVILLIER, DEWITT, EDMONSTON, EGAN, GALLE, GLORIOSO, HORTON, MIKE JOHNSON, KERNER, MCCORMICK, MCFARLAND, MELERINE, OWEN, SAWYER, SCHAMERHORN, SCHLEGEL, SPELL, ST. BLANC, THOMPSON, VILLIO, WILDER, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 14:19(A)(1)(b)(i) and (2) and (B)(introductory paragraph) and
3 (1) and to enact R.S. 13:5233.2, relative to the exercise of religion; to limit liability
4 of persons protecting the right of religion; to provide for definitions; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:5233.2 is hereby enacted to read as follows:

8 §5233.2. Protection of freedom of worship; limitation of liability

9 A. The Legislature of Louisiana finds that churches or other places of
10 worship are private property dedicated to the free exercise of religion, that religious
11 assemblies are protected by the Constitution of the United States and the Constitution
12 of Louisiana, and that the right to exclude disruptive and potentially violent
13 individuals may be necessary to facilitate the free exercise of religion. The
14 Legislature of Louisiana further finds that clarification of existing statutory authority
15 is in the furtherance of justice and the free exercise of religion.

1 B. Any religious leader, authorized security team member, or person who is
2 lawfully on the premises of a church or other place of worship may request that a
3 person leave the premises if the person is committing criminal trespass pursuant to
4 R.S. 14:63 or is engaged in a substantial disruption. A verbal request to leave the
5 premises shall constitute notice to the person that he is not authorized to be present.

6 C. Any person who is lawfully on the premises may use reasonable and
7 apparently necessary force when used in accordance with the following:

8 (1) To prevent a forcible offense against a person who is lawfully on the
9 premises.

10 (2) To physically remove a trespassing person who refuses to leave the
11 premises following a request made pursuant to Subsection B of this Section.

12 (3) When done in accordance with R.S. 14:19.

13 D.(1) When force or violence is used to prevent criminal trespass or the
14 disruption of worship services, or any other activity at the church or other place of
15 worship, the use of force by a person who is lawfully on the premises shall be limited
16 to an amount reasonably and apparently necessary to terminate the trespass or
17 substantial disruption, or force proportionate to that used by the person committing
18 the trespass or causing the disruption.

19 (2) Nothing in this Section shall be construed to authorize the use of deadly
20 force except where otherwise allowed by law for purposes of self-defense.

21 E.(1) Any person who is lawfully on the premises who uses reasonable and
22 apparently necessary force pursuant to this Section and the organization which owns
23 or leases the premises for religious activities shall not be liable in tort to any person
24 for the use of such force.

25 (2) A request made pursuant to Subsection B of this Section shall constitute
26 an affirmative defense against any criminal or civil action brought against a person
27 who was lawfully on the premises and used reasonable and apparently necessary
28 force to terminate a trespass.

1 (3) The provisions of this Subsection do not apply if any of the following
2 occur:

3 (a) The use of force was grossly disproportionate to the force used by the
4 criminal trespasser.

5 (b) Deadly force was used unlawfully and unnecessarily.

6 (c) The person who used force was engaged in any unlawful conduct.

7 (4) In any civil action arising from the use of force against a trespasser
8 pursuant to this Section, a defendant who is either a person who was lawfully present
9 on the premises or a religious organization may file a motion asserting immunity
10 from suit. Upon the filing of the motion, the court shall conduct a pretrial immunity
11 hearing. If the court determines by a preponderance of the evidence that the
12 defendant is entitled to immunity, the court shall dismiss the action.

13 F. Nothing in this Section shall be construed to do any of the following:

14 (1) Prohibit the lawful, peaceful protest outside the premises of a church or
15 other place of worship that does not obstruct access to the premises.

16 (2) Supercede any other provision of law related to self-defense.

17 (3) Limit the authority of law enforcement.

18 (4) Limit constitutional free speech or free exercise of religion.

19 G. For the purposes of this Section, the following terms have the following
20 meanings:

21 (1) "Church or other place of worship" means any building, structure, or
22 outdoor private property that is owned, leased, or otherwise lawfully possessed by
23 a religious organization that is used for organized religious worship or other religious
24 activities.

25 (2) "Religious leader" means a pastor, minister, priest, deacon, rabbi, imam,
26 trustee, elder, or any other person formally recognized by a church or other place of
27 worship as having authority to maintain order during a religious service.

28 (3) "Substantial disruption" means conduct that does any of the following:

