

SENATE BILL NO. 306

BY SENATORS EDMONDS, ALLAIN, BASS, CATHEY, CONNICK, FESI, FOIL, HENRY, HODGES, LAMBERT, MCMATH, MIGUEZ, MIZELL, MORRIS, MYERS, OWEN, PRESSLY, REESE, SEABAUGH, STINE, TALBOT, WHEAT AND WOMACK AND REPRESENTATIVES ADAMS, BOUDREAUX, BOYER, CHENEVERT, COX, HORTON AND WILEY

1 AN ACT

2 To enact R.S. 14:38.6 and Civil Code Art. 2315.14, relative to offenses affecting the free
3 exercise of religion; to create the crime of obstruction or interference with the
4 freedom of worship at a church or other place of worship; to provide for elements of
5 the offense; to provide for penalties; to provide for definitions; to provide for liability
6 for damages for offenses related to the obstruction of the freedom of worship in a
7 church or other place of worship; to provide for injunctive relief; to provide for
8 legislative intent; to provide for legislative purposes; to provide for an effective date;
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:38.6 is hereby enacted to read as follows:

12 **§38.6. Obstruction of the freedom of worship in a church or other place of**
13 **worship**

14 **A. Obstruction of the freedom of worship at a church or other place of**
15 **worship is committed when a person does any of the following:**

16 **(1) Uses force, the threat of force, physical obstruction, intentional**
17 **injury, or attempted intentional injury, to intimidate or interfere with any**
18 **person lawfully exercising or seeking to exercise the right of the free exercise of**
19 **religion at a church or other place of worship that is protected by the First**
20 **Amendment to the Constitution of the United States of America and by Article**
21 **XII, Section 17 of the Constitution of Louisiana.**

22 **(2) Intentionally damages or destroys the property of a church or other**
23 **place of worship.**

1 (3) Willfully denies an attendee, clergy, or member of the staff of a
2 church or other place of worship any of the following:

3 (a) Lawful freedom of movement on the property of the church or other
4 place of worship.

5 (b) Lawful use of any property or facilities of a church or other place of
6 worship.

7 (c) Lawful ingress and egress to and from the physical facilities of a
8 church or other place of worship.

9 (4) Willfully refuses or fails to leave the private property of the church
10 or other place of worship when requested to do so by the clergy, when the
11 person is committing, threatening to commit, or inciting others to commit any
12 disruptive activity that is intended to disrupt, impair, interfere with or obstruct
13 the worship service in a church or other place of worship.

14 (5) Engages in a disruptive activity at a church or other place of worship.

15 **B. For purposes of this Section:**

16 (1) "Attendee" means a person who is lawfully present in a church or
17 other place of worship, or is engaging in the lawful ingress and egress thereto.

18 (2) "Church or other place of worship" means any building, structure,
19 or defined outdoor area that is owned, leased, or otherwise lawfully possessed
20 by a religious organization that is used for organized religious worship or other
21 religious activities.

22 (3) "Clergy" means the pastor of the church, a deacon, or other member
23 of the religious organization who has authority over the administration of the
24 church or other place of worship or has been designated by the religious
25 organization with such authority.

26 (4)(a) "Disruptive activity" means intentional conduct occurring on the
27 property of a church or other place of worship during a worship service that
28 materially and substantially interferes with the service, including interruption
29 of the service or obstruction of access to any area used in connection with the
30 service, such as a sanctuary, chapel, nursery, children's ministry area, or other

1 designated worship-related space.

2 (b) "Disruptive activity" does not include behavior otherwise prohibited
3 by Subsection A of this Section.

4 (5) "Religious organization" means an entity that is operated for
5 religious purposes and qualifies for exemption from taxation under Section
6 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C.
7 Section 501).

8 (6) "Worship service" means a regularly scheduled religious meeting or
9 assembly held at a church or other place of worship for the purpose of worship
10 or religious observance.

11 C.(1) Whoever commits obstruction of the freedom of worship in a
12 church or other place of worship shall be fined not more than two thousand five
13 hundred dollars, or imprisoned for not less than fifteen days nor more than six
14 months, or both.

15 (2) For a second or subsequent offense, the offender shall be fined not
16 more than twenty-five thousand dollars, or imprisoned with or without hard
17 labor for not less than one year nor more than eighteen months, or both.

18 (3) In addition to any other penalty imposed pursuant to this Subsection,
19 when the offense results in bodily injury of a lawful attendee, member of the
20 clergy, or staff member, the offender shall be sentenced to not less than two
21 years and not more than ten years at hard labor.

22 D. Any person who knowingly finances, funds, or otherwise provides
23 material support or assistance to another person with the intent to facilitate,
24 promote, or cause a violation of this Section shall be deemed to be a principal
25 pursuant to R.S. 14:24 and shall be subject to the same penalties as the person
26 who directly commits the violation of this Section.

27 Section 2. Civil Code Art. 2315.14 is hereby enacted to read as follows:

28 Art. 2315.14. Liability for damages caused by offenses related to obstruction of
29 freedom of worship in a church or other place of worship

30 A. In addition to general and special damages, a prevailing plaintiff shall

1 be awarded court costs and reasonable attorney fees upon proof that the
2 injuries on which the action is based were caused by conduct prohibited by R.S.
3 14:38.6 resulting in the injury to the person, obstruction of the freedom of
4 worship in a church or other place of worship, or damage to property,
5 regardless of whether the defendant was arrested, charged, or prosecuted for
6 such conduct.

7 B. Nothing in this Article shall be construed to limit any other cause of
8 action or remedy provided by law.

9 C. As used in this Article, a defendant includes any person who
10 knowingly aided, abetted, financed, funded, solicited, conspired, or otherwise
11 provided material support or assistance for conduct prohibited by R.S. 14:38.6.

12 D.(1) Recoverable damages pursuant to this Article may include but are
13 not limited to damages for physical injury, mental anguish, emotional distress,
14 property damage, lost income, interference with the free exercise of religion,
15 and any other damages authorized by law.

16 (2) In addition to any other remedy provided by law, a court may grant
17 temporary restraining orders, preliminary injunctions, permanent injunctions,
18 or declaratory relief, as well as court costs and reasonable attorney fees, to
19 prevent the conduct, or to prevent the continuation of the conduct, that is
20 prohibited by R.S. 14:38.6.

21 Section 3. The legislature finds and declares that:

22 (1) The free exercise of religion and the right of individuals to assemble for worship
23 services is protected by the First Amendment to the Constitution of the United States of
24 America and Article I, Section 8 of the Constitution of Louisiana.

25 (2) In 2023, the legislature and the people of Louisiana adopted Article XII, Section
26 17 of the Constitution of Louisiana which provides that "(t)he freedom to worship in a
27 church or other place of worship is a fundamental right that is worthy of the highest order
28 of protection".

29 (3) The intentional interference with a scheduled worship service undermines these
30 fundamental rights to the free exercise of religion and the freedom to worship in a church

1 or other place of worship by disrupting the orderly practice of religion and can create a
2 danger to persons attending the worship service.

3 (4) The right to engage in a peaceful protest is essential to a free society of people,
4 and that right extends to public places that are traditionally open to political speech and
5 debate, including public streets, sidewalks, and parks with minimal constitutional
6 restrictions; however, that right has never been interpreted to authorize the trespass or
7 disruptive activity on private property, such as a church or other place of worship or at a
8 home.

9 (5) Prevention of the willful disruption of worship services and religious activities
10 is a matter of statewide concern.

11 (6) It is a compelling interest of this state to protect the ability of its people to meet
12 and assemble for the exercise of religious worship and other religious activities guaranteed
13 by the Free Exercise Clause of the First Amendment to the Constitution of the United States
14 of America as well as Article I, Section 8 and Article XII, Section 17 of the Constitution of
15 Louisiana.

16 (7) It is imperative to a free society and the survival of a constitutional republic that
17 the state of Louisiana protects attendees in churches or other places of worship so that the
18 attendees are free from intentional acts that materially interfere or disrupt a scheduled
19 worship service or other religious activity that is conducted on the private property that is
20 set aside by the religious organization for constitutionally protected religious assemblies.

21 Section 4. The legislature declares that the purpose of this Act is to enact protections
22 that may be enforced at the state level, by state law enforcement authorities, in a similar
23 manner that federal law enforcement authorities, pursuant to 18 U.S.C. 248(a)(2), are able
24 to protect the free exercise of religion at a place of religious worship by prohibiting the use
25 of force, threats of force, or physical obstruction to injure, intimidate, or interfere with any
26 person exercising their right to worship at a church or other place of worship.

27 Section 5. If any provision or item of this Act, or the application thereof, is held
28 invalid, such invalidity shall not affect other provisions, items, or applications of the Act
29 which can be given effect without the invalid provision, item, or application and to this end
30 the provisions of this Act are hereby declared severable.

1 Section 6. 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.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____