

1-1 By: Shaheen, et al. (Senate Sponsor - Hall) H.B. No. 525
 1-2 (In the Senate - Received from the House May 13, 2021;
 1-3 May 14, 2021, read first time and referred to Committee on State
 1-4 Affairs; May 21, 2021, reported favorably by the following vote:
 1-5 Yeas 8, Nays 1; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the protection of religious organizations.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Subtitle H, Title 10, Government Code, is
 1-22 amended by adding Chapter 2401 to read as follows:
 1-23 CHAPTER 2401. PROTECTION OF RELIGIOUS ORGANIZATIONS
 1-24 Sec. 2401.001. DEFINITIONS. In this chapter:
 1-25 (1) "Disaster" has the meaning assigned by Section
 1-26 418.004.
 1-27 (2) "Governmental entity" means:
 1-28 (A) this state;
 1-29 (B) a board, commission, council, department, or
 1-30 other agency in the executive branch of state government that is
 1-31 created by the state constitution or a statute, including an
 1-32 institution of higher education as defined by Section 61.003,
 1-33 Education Code;
 1-34 (C) the legislature or a legislative agency;
 1-35 (D) a state judicial agency or the State Bar of
 1-36 Texas;
 1-37 (E) a political subdivision of this state,
 1-38 including a county, municipality, or special district or authority;
 1-39 or
 1-40 (F) an officer, employee, or agent of an entity
 1-41 described by Paragraphs (A) through (E).
 1-42 (3) "Person" has the meaning assigned by Section
 1-43 311.005, except the term does not include:
 1-44 (A) an employee of a governmental entity acting
 1-45 within the employee's scope of employment; or
 1-46 (B) a contractor of a governmental entity acting
 1-47 within the scope of the contract.
 1-48 (4) "Religious organization" means an organization
 1-49 open to the public that is a religious organization under Section
 1-50 110.011(b), Civil Practice and Remedies Code.
 1-51 Sec. 2401.002. ESSENTIAL BUSINESS; PROHIBITED
 1-52 RESTRICTIONS. (a) Notwithstanding any other law, a religious
 1-53 organization is an essential business at all times in this state,
 1-54 including during a declared state of disaster, and the
 1-55 organization's religious and other related activities are
 1-56 essential activities even if the activities are not listed as
 1-57 essential in an order issued during the disaster.
 1-58 (b) A governmental entity may not:
 1-59 (1) at any time, including during a declared state of
 1-60 disaster, prohibit a religious organization from engaging in
 1-61 religious and other related activities or continuing to operate in

2-1 the discharge of the organization's foundational faith-based
2-2 mission and purpose; or
2-3 (2) during a declared state of disaster order a
2-4 religious organization to close or otherwise alter the
2-5 organization's purposes or activities.

2-6 Sec. 2401.003. RELIEF AVAILABLE. (a) A person may assert an
2-7 actual or threatened violation of Section 2401.002 as a claim or
2-8 defense in a judicial or administrative proceeding and obtain:

- 2-9 (1) injunctive relief;
- 2-10 (2) declaratory relief; and
- 2-11 (3) court costs and reasonable attorney's fees.

2-12 (b) Notwithstanding any other law, a person may commence an
2-13 action under this section and relief may be granted regardless of
2-14 whether the person has sought or exhausted available administrative
2-15 remedies.

2-16 Sec. 2401.004. IMMUNITY WAIVED. A person who alleges a
2-17 violation of Section 2401.002 may sue the governmental entity for
2-18 the relief provided under Section 2401.003. Sovereign or
2-19 governmental immunity, as applicable, is waived and abolished to
2-20 the extent of liability for that relief.

2-21 Sec. 2401.005. ATTORNEY GENERAL ACTION; INTERVENTION IN
2-22 PROCEEDING; PROHIBITED RECOVERY OF EXPENSES. (a) The attorney
2-23 general may bring an action for injunctive or declaratory relief
2-24 against a governmental entity or an officer or employee of a
2-25 governmental entity to enforce compliance with this chapter.

2-26 (b) This section may not be construed to deny, impair, or
2-27 otherwise affect any authority of the attorney general or a
2-28 governmental entity acting under other law to institute or
2-29 intervene in an action.

2-30 (c) The attorney general may not recover expenses incurred
2-31 in bringing, instituting, or intervening in an action described by
2-32 this section.

2-33 Sec. 2401.006. INTERPRETATION. (a) This chapter may not be
2-34 construed to preempt a state or federal law that is equally or more
2-35 protective of the free exercise of religious beliefs or to narrow
2-36 the meaning or application of a state or federal law protecting the
2-37 free exercise of religious beliefs.

2-38 (b) This chapter may not be construed to prevent a
2-39 governmental entity from providing, either directly or through a
2-40 person who is not seeking protection under this chapter, any
2-41 benefit or service authorized under state or federal law.

2-42 SECTION 2. Chapter 2401, Government Code, as added by this
2-43 Act, applies only to a cause of action that accrues on or after the
2-44 effective date of this Act. A cause of action that accrued before
2-45 the effective date of this Act is governed by the law in effect
2-46 immediately before the effective date of this Act, and that law is
2-47 continued in effect for that purpose.

2-48 SECTION 3. This Act takes effect immediately if it receives
2-49 a vote of two-thirds of all the members elected to each house, as
2-50 provided by Section 39, Article III, Texas Constitution. If this
2-51 Act does not receive the vote necessary for immediate effect, this
2-52 Act takes effect September 1, 2021.

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