

By: Sanford, Metcalf, Raymond, Slawson,
Noble, et al.

H.B. No. 1239

Substitute the following for H.B. No. 1239:

By: Paddie

C.S.H.B. No. 1239

A BILL TO BE ENTITLED

AN ACT

relating to the prohibited suspension of laws protecting religious
freedom and prohibited closure of places of worship.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 110.001(a), Civil Practice and Remedies
Code, is amended by adding Subdivisions (3) and (4) to read as
follows:

(3) "Place of worship" means a building or grounds
where religious activities are conducted.

(4) "Public official" means any elected or appointed
officer, employee, or agent of this state or any political
subdivision, board, commission, bureau, or other public body
established by law.

SECTION 2. Section 110.002, Civil Practice and Remedies
Code, is amended by adding Subsection (d) to read as follows:

(d) For purposes of a state of disaster declared under
Chapter 418, Government Code:

(1) this chapter is not considered a regulatory
statute; and

(2) a provision of this chapter may not be suspended.

SECTION 3. Chapter 110, Civil Practice and Remedies Code,
is amended by adding Section 110.0031 to read as follows:

Sec. 110.0031. PROHIBITION ON ORDERS CLOSING PLACES OF
WORSHIP. A government agency or public official may not issue an

1 order that closes or has the effect of closing places of worship in
2 this state or in a geographic area of this state.

3 SECTION 4. Section 110.004, Civil Practice and Remedies
4 Code, is amended to read as follows:

5 Sec. 110.004. DEFENSE. A person whose free exercise of
6 religion has been substantially burdened in violation of Section
7 110.003 or 110.0031 may assert that violation as a defense in a
8 judicial or administrative proceeding without regard to whether the
9 proceeding is brought in the name of the state or by any other
10 person.

11 SECTION 5. Chapter 110, Civil Practice and Remedies Code,
12 as amended by this Act, applies only to a claim or defense that
13 accrues on or after the effective date of this Act. A claim or
14 defense that accrued before the effective date of this Act is
15 governed by the law in effect immediately before the effective date
16 of this Act, and that law is continued in effect for that purpose.

17 SECTION 6. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2021.