

BILL ANALYSIS

C.S.H.B. 2319
By: Parker
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, municipalities have the authority to adopt local ordinances that prohibit a church from providing overnight shelter for children. However, interested parties contend that certain churches could effectively provide such a necessary service to this vulnerable segment of the population. C.S.H.B. 2319 seeks to make overnight shelter for a vulnerable segment of the population more available.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2319 amends the Local Government Code to prohibit a municipality from adopting an ordinance, or enforcing an existing ordinance, that prohibits a church from providing overnight shelter for children 17 years of age and younger. The bill specifies that a municipal ordinance or regulation that relates to the safe and sanitary operation of a homeless shelter for children applies to a church that provides overnight shelter for children. The bill authorizes a municipality to adopt or enforce an ordinance establishing limits on the number of nights a child is authorized to use an overnight shelter provided by a church or on the number of children that can be housed in the shelter per night.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2319 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 215, Local Government Code, is amended by adding Section 215.006 to read as follows:
Sec. 215.006. CHURCH PROVIDING OVERNIGHT SHELTER. (a) In this section:
(1) "Church" means a facility that is owned by a religious organization and that is used

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 215, Local Government Code, is amended by adding Section 215.006 to read as follows:
Sec. 215.006. CHURCH PROVIDING OVERNIGHT SHELTER. (a) In this section:
(1) "Church" means a facility that is owned by a religious organization and that is used

primarily for religious services.

(2) "Religious organization" means a church, synagogue, or other organization or association organized primarily for religious purposes.

(b) A municipality may not adopt an ordinance, or enforce an existing ordinance, that prohibits a church from providing overnight shelter for children 17 years of age and younger.

(c) A municipal ordinance or regulation that relates to the safe and sanitary operation of a homeless shelter applies to a church that provides overnight shelter for children.

primarily for religious services.

(2) "Religious organization" means an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code.

(b) A municipality may not adopt an ordinance, or enforce an existing ordinance, that prohibits a church from providing overnight shelter for children 17 years of age and younger.

(c) A municipal ordinance or regulation that relates to the safe and sanitary operation of a homeless shelter for children applies to a church that provides overnight shelter for children.

(d) A municipality may adopt or enforce an ordinance establishing limits on the number of nights a child may use an overnight shelter provided by a church or on the number of children that can be housed in the shelter per night.

SECTION 2. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 84A to read as follows:

CHAPTER 84A. CHURCH IMMUNITY

Sec. 84A.001. CHURCH PROVIDING OVERNIGHT SHELTER FOR CHILD. (a)

In this section:

(1) "Child" means an individual 17 years of age or younger.

(2) "Church" means a facility that is owned by a religious organization and that is used primarily for religious services.

(3) "Religious organization" means a church, synagogue, or other organization or association organized primarily for religious purposes.

(b) A church is immune from civil liability for any act or omission resulting in injury to a child or in damage to or loss of the child's property while the child was using the church as an overnight shelter, unless the act or omission was intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

No equivalent provision.

SECTION 3. Chapter 84A, Civil Practice and Remedies Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the

No equivalent provision.

effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

SECTION 2. Same as introduced version.