

By: Parker

H.B. No. 2319

A BILL TO BE ENTITLED

AN ACT

relating to churches that provide overnight shelter for children.

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

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.

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

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

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

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

15 SECTION 3. Chapter 84A, Civil Practice and Remedies Code,
16 as added by this Act, applies only to a cause of action that accrues
17 on or after the effective date of this Act. A cause of action that
18 accrues before the effective date of this Act is governed by the law
19 in effect immediately before that date, and that law is continued in
20 effect for that purpose.

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