

BILL ANALYSIS

Senate Research Center

H.B. 525
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Following COVID-related shutdowns across the country in 2020, secular businesses and organizations were granted the freedom to open and operate while churches were prohibited from gathering. H.B. 525 seeks to address this discrimination by designating all religious organizations and their activities as essential at all times, even during declared states of disaster or emergency.

If religious organizations are forced to close by a governmental entity, they may sue the entity for relief.

H.B. 525 amends current law relating to the protection of religious organizations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle H, Title 10, Government Code, by adding Chapter 2401, as follows:

CHAPTER 2401. PROTECTION OF RELIGIOUS ORGANIZATIONS

Sec. 2401.001. DEFINITIONS. Defines "disaster," "governmental entity," "person" and "religious organization."

Sec. 2401.002. ESSENTIAL BUSINESS; PROHIBITED RESTRICTIONS. (a) Provides that, notwithstanding any other law, a religious organization is an essential business at all times in this state, including during a declared state of disaster, and the organization's religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during the disaster.

(b) Prohibits a governmental entity from:

(1) at any time, including during a declared state of disaster, prohibiting a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose; or

(2) during a declared state of disaster ordering a religious organization to close or otherwise alter the organization's purposes or activities.

Sec. 2401.003. RELIEF AVAILABLE. (a) Authorizes a person to assert an actual or threatened violation of Section 2401.002 as a claim or defense in a judicial or administrative proceeding and obtain injunctive relief, declaratory relief, and court costs and reasonable attorney's fees.

(b) Provides that, notwithstanding any other law, a person is authorized to commence an action under this section and relief is authorized to be granted regardless of whether the person has sought or exhausted available administrative remedies.

Sec. 2401.004. IMMUNITY WAIVED. Authorizes a person who alleges a violation of Section 2401.002 to sue the governmental entity for the relief provided under Section 2401.003. Provides that sovereign or governmental immunity, as applicable, is waived and abolished to the extent of liability for that relief.

Sec. 2401.005. ATTORNEY GENERAL ACTION; INTERVENTION IN PROCEEDING; PROHIBITED RECOVERY OF EXPENSES. (a) Authorizes the attorney general to bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with this chapter.

(b) Prohibits this section from being construed to deny, impair, or otherwise affect any authority of the attorney general or a governmental entity acting under other law to institute or intervene in an action.

(c) Prohibits the attorney general from recovering expenses incurred in bringing, instituting, or intervening in an action described by this section.

Sec. 2401.006. INTERPRETATION. (a) Prohibits this chapter from being construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs.

(b) Prohibits this chapter from being construed to prevent a governmental entity from providing, either directly or through a person who is not seeking protection under this chapter, any benefit or service authorized under state or federal law.

SECTION 2. Makes application of Chapter 2401, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2021.