

BILL ANALYSIS

H.B. 525
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State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the COVID-19 pandemic, many religious institutions were considered nonessential and were forced to shut down. Following these shutdowns across the country, some secular businesses and organizations were granted the freedom to open and operate while churches were still prohibited from operating and gathering members. H.B. 525 seeks to remedy this situation by designating all religious organizations and their activities as essential at all times, even during declared states of disaster.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 525 amends the Government Code to classify a religious organization as an essential business at all times in Texas, including during a declared state of disaster, and to classify the organization's religious and other related activities as essential activities even if the activities are not listed as essential in an order issued during the disaster. The bill prohibits a governmental entity from doing the following:

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

The bill defines, among other terms, "governmental entity" and "religious organization."

H.B. 525 provides the following with respect to available relief and sovereign or governmental immunity:

- a person, regardless of whether the person has sought or exhausted available administrative remedies, may:
 - assert an actual or threatened violation of the bill's prohibitions as a claim or defense in a judicial or administrative proceeding; and
 - obtain injunctive relief, declaratory relief, court costs, and reasonable attorney's fees;
- a person who alleges such a violation may sue the applicable governmental entity for that relief; and

- sovereign or governmental immunity, as applicable, is waived and abolished to the extent of liability for that relief.

The bill defines "person" by statutory reference to the Code Construction Act but excludes from that term an employee or contractor of a governmental entity acting within the scope of the employment or contract.

H.B. 525 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 the bill's provisions but prohibits the attorney general from recovering expenses incurred in bringing, instituting, or intervening in the action. These provisions may not be 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.

H.B. 525 establishes that its provisions may not be construed to do any of the following:

- preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs;
- narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs; or
- prevent a governmental entity from providing, either directly or through a person who is not seeking protection under the bill's provisions, any benefit or service authorized under state or federal law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.