

A BILL TO BE ENTITLED

AN ACT

relating to the protection of religious organizations.

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

SECTION 1. Subtitle H, Title 10, Government Code, is amended by adding Chapter 2401 to read as follows:

CHAPTER 2401. PROTECTION OF RELIGIOUS ORGANIZATIONS

Sec. 2401.001. DEFINITIONS. In this chapter:

(1) "Disaster" has the meaning assigned by Section 418.004.

(2) "Governmental entity" means:

(A) this state;

(B) a board, commission, council, department, or other agency in the executive branch of state government that is created by the state constitution or a statute, including an institution of higher education as defined by Section 61.003, Education Code;

(C) the legislature or a legislative agency;

(D) a state judicial agency or the State Bar of Texas;

(E) a political subdivision of this state, including a county, municipality, or special district or authority; or

(F) an officer, employee, or agent of an entity described by Paragraphs (A) through (E).

1 (3) "Person" has the meaning assigned by Section
2 311.005, except the term does not include:

3 (A) an employee of a governmental entity acting
4 within the employee's scope of employment; or

5 (B) a contractor of a governmental entity acting
6 within the scope of the contract.

7 (4) "Religious organization" means an organization
8 that is a religious organization under Section 110.011(b), Civil
9 Practice and Remedies Code.

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

17 (b) A governmental entity may not:

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

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

26 Sec. 2401.003. RELIEF AVAILABLE. (a) A person may assert an
27 actual or threatened violation of Section 2401.002 as a claim or

1 defense in a judicial or administrative proceeding and obtain:

2 (1) injunctive relief;

3 (2) declaratory relief; and

4 (3) court costs and reasonable attorney's fees.

5 (b) Notwithstanding any other law, a person may commence an
6 action under this section and relief may be granted regardless of
7 whether the person has sought or exhausted available administrative
8 remedies.

9 Sec. 2401.004. IMMUNITY WAIVED. A person who alleges a
10 violation of Section 2401.002 may sue the governmental entity for
11 the relief provided under Section 2401.003. Sovereign or
12 governmental immunity, as applicable, is waived and abolished to
13 the extent of liability for that relief.

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

19 (b) This section may not be construed to deny, impair, or
20 otherwise affect any authority of the attorney general or a
21 governmental entity acting under other law to institute or
22 intervene in an action.

23 (c) The attorney general may not recover expenses incurred
24 in bringing, instituting, or intervening in an action described by
25 this section.

26 Sec. 2401.006. INTERPRETATION. (a) This chapter may not be
27 construed to preempt a state or federal law that is equally or more

1 protective of the free exercise of religious beliefs or to narrow
2 the meaning or application of a state or federal law protecting the
3 free exercise of religious beliefs.

4 (b) This chapter may not be construed to prevent a
5 governmental entity from providing, either directly or through a
6 person who is not seeking protection under this chapter, any
7 benefit or service authorized under state or federal law.

8 SECTION 2. Chapter 2401, Government Code, as added by this
9 Act, applies only to a cause of action that accrues on or after the
10 effective date of this Act. A cause of action that accrued before
11 the effective date of this Act is governed by the law in effect
12 immediately before the effective date of this Act, and that law is
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2021.