

By: Sanford, Metcalf, Raymond, Slawson,
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H.B. No. 1239

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prohibited suspension of laws protecting religious
3 freedom and prohibited closure of places of worship.

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

5 SECTION 1. Section 110.001(a), Civil Practice and Remedies
6 Code, is amended by adding Subdivisions (3) and (4) to read as
7 follows:

8 (3) "Place of worship" means a building or grounds
9 where religious activities are conducted.

10 (4) "Public official" means a person elected,
11 selected, appointed, employed, or otherwise designated as an
12 officer, employee, or agent of this state, a government agency, a
13 political subdivision, or any other public body established by law.

14 SECTION 2. Section 110.002, Civil Practice and Remedies
15 Code, is amended by adding Subsection (d) to read as follows:

16 (d) For purposes of a state of disaster declared under
17 Chapter 418, Government Code:

18 (1) this chapter is not considered a regulatory
19 statute; and

20 (2) a provision of this chapter may not be suspended.

21 SECTION 3. Chapter 110, Civil Practice and Remedies Code,
22 is amended by adding Section 110.0031 to read as follows:

23 Sec. 110.0031. PROHIBITION ON ORDERS CLOSING PLACES OF
24 WORSHIP. (a) A government agency or public official may not issue

1 an order that closes or has the effect of closing places of worship
2 in this state or in a geographic area of this state.

3 (b) In this section, "effect of closing" includes any
4 restriction on the occupancy or capacity of a place of worship.

5 SECTION 4. Section 110.004, Civil Practice and Remedies
6 Code, is amended to read as follows:

7 Sec. 110.004. DEFENSE. A person whose free exercise of
8 religion has been substantially burdened in violation of Section
9 110.003 or 110.0031 may assert that violation as a defense in a
10 judicial or administrative proceeding without regard to whether the
11 proceeding is brought in the name of the state or by any other
12 person.

13 SECTION 5. Chapter 110, Civil Practice and Remedies Code,
14 as amended by this Act, applies only to a claim or defense that
15 accrues on or after the effective date of this Act. A claim or
16 defense that accrued before the effective date of this Act is
17 governed by the law in effect immediately before the effective date
18 of this Act, and that law is continued in effect for that purpose.

19 SECTION 6. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.