

By: Paxton, et al.

S.B. No. 26

A BILL TO BE ENTITLED

AN ACT

relating to prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.

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

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

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

(4) "Public official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.

SECTION 2. Amend Section 110.002, Civil Practices and Remedies Code, to read as follows:

Sec. 110.002. APPLICATION. (a) This chapter applies to any ordinance, rule, order, decision, practice, or other exercise of governmental authority.

(b) This chapter applies to an act of a government agency, in the exercise of governmental authority, granting or refusing to grant a government benefit to an individual.

(c) This chapter applies to each law of this state unless the law is expressly made exempt from the application of this chapter by reference to this chapter.

1 (d) For purposes of a disaster as defined by Sec. 418.004,
2 Government Code:

3 (1) this chapter is not considered a regulatory
4 statute; and

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

6 SECTION 3. Amend Chapter 110, Civil Practices and Remedies
7 Code, by adding Section 110.0031 to read as follows:

8 Sec. 110.0031. PROHIBITION ON CLOSING PLACES OF WORSHIP. A
9 government agency or public official may not issue an order that
10 closes or has the effect of closing places of worship in the state
11 or in a geographic area of the state.

12 SECTION 4. Amend Sec. 110.004, Civil Practices and Remedies
13 Code, to read as follows:

14 Sec. 110.004. DEFENSE. A person whose free exercise of
15 religion has been substantially burdened in violation of Section
16 110.003 and 110.0031 may assert that violation as a defense in a
17 judicial or administrative proceeding without regard to whether the
18 proceeding is brought in the name of the state or by any other
19 person.

20 SECTION 5. Chapter 110, Civil Practices and Remedies Code,
21 as added by this Act, applies only to a claim that accrues on or
22 after the effective date of this Act. A claim that accrued before
23 the effective date of this Act is governed by the law in effect
24 immediately before the effective date of this Act, and that law is
25 continued in effect for that purpose.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2021.