

SENATE AMENDMENTS

2nd Printing

By: Sanford, Metcalf, Raymond, Slawson,
Noble, et al.

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.

ADOPTED

MAY 21 2021

H. *Atar B. Law*
Secretary of the Senate 1239

By: Angela Paxton

Substitute the following for H.B. No. 1239:

By: *W. Campbell*

C.S. H.B. No. 1239

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9 where religious activities are conducted.

10 (4) "Public official" means any elected or appointed
11 officer, employee, or agent of this state or any political
12 subdivision, board, commission, bureau, or other public body
13 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:

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17 Chapter 418, Government Code:

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19 statute; and

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

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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 government agency or public official may not issue an

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

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

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

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 23, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1239 by Sanford (Relating to the prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The would amend the Civil Practice and Remedies Code to prohibit a government agency or public official from issuing an order that closes or has the effect of closing places of worship in Texas or in a geographic area of the state. The bill would also provide that a person whose free exercise of religion has been substantially burdened in violation of the new prohibition may assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person.

According to the Office of Court Administration, no significant fiscal impact to the state court system is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, LBO, SMAT, BH, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 10, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1239 by Sanford (relating to the prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The would amend the Civil Practice and Remedies Code to prohibit a government agency or public official from issuing an order that closes or has the effect of closing places of worship in Texas or in a geographic area of the state. The bill would also provide that a person whose free exercise of religion has been substantially burdened in violation of the new prohibition may assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person.

According to the Office of Court Administration, no significant fiscal impact to the state court system is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SMAT, BH, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 10, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1239 by Sanford (Relating to the prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to prohibit a government agency or public official from issuing an order that closes or has the effect of closing places of worship in Texas or in a geographic area of the state. The bill would also provide that a person whose free exercise of religion has been substantially burdened in violation of the new prohibition may assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person.

According to the Office of Court Administration, no significant fiscal impact to the state court system is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SMAT, BH, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 31, 2021

TO: Honorable Chris Paddie, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB1239** by Sanford (relating to the prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to prohibit a government agency or public official from issuing an order that closes or has the effect of closing places of worship in Texas or in a geographic area of the state. The bill would also provide that a person whose free exercise of religion has been substantially burdened in violation of the new prohibition may assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person.

According to the Office of Court Administration, no significant fiscal impact to the state court system is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SMAT, MW, BH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 21, 2021

TO: Honorable Chris Paddie, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1239 by Sanford (Relating to prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to prohibit a government agency or public official from issuing an order that closes or has the effect of closing places of worship in Texas or in a geographic area of the state. The bill would also provide that a person whose free exercise of religion has been substantially burdened in violation of the new prohibition may assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person.

According to the Office of Court Administration, no significant fiscal impact to the state court system is anticipated due to implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SMAT, MW, BH