

House Bill 525
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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).

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

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

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

(4) "Religious organization" means an organization open to the public that is a religious organization under Section 110.011(b), Civil Practice and Remedies Code.

Sec. 2401.002. ESSENTIAL BUSINESS; PROHIBITED RESTRICTIONS. (a) Notwithstanding any other law, a religious organization is an essential business at all times in this state, including during a declared state of disaster, and the

SENATE VERSION (IE)

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Sec. 2401.002. ESSENTIAL BUSINESS; PROHIBITED RESTRICTIONS. (a) Notwithstanding any other law, a religious organization is an essential business at all times in this state, including during a declared state of disaster, and the

CONFERENCE

House Bill 525
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

organization's religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during the disaster.

(b) A governmental entity may not:

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

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

Sec. 2401.003. RELIEF AVAILABLE. (a) A person may assert an actual or threatened violation of Section 2401.002 as a claim or defense in a judicial or administrative proceeding and obtain:

(1) injunctive relief;

(2) declaratory relief; and

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

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

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

Sec. 2401.005. ATTORNEY GENERAL ACTION; INTERVENTION IN PROCEEDING; PROHIBITED RECOVERY OF EXPENSES. (a) The attorney general may

SENATE VERSION (IE)

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[Deleted by FA1(2)]

Sec. 2401.005. ATTORNEY GENERAL ACTION; INTERVENTION IN PROCEEDING; PROHIBITED RECOVERY OF EXPENSES. (a) The attorney general may

CONFERENCE

House Bill 525
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Section-by-Section Analysis

HOUSE VERSION

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 this chapter.

(b) This section 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.

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

Sec. 2401.006. INTERPRETATION. (a) This chapter may not be construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs.

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

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

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If

SENATE VERSION (IE)

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 this chapter.

(b) This section 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.

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

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

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE

House Bill 525
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

SENATE VERSION (IE)

CONFERENCE