

BILL ANALYSIS

C.S.H.B. 1239
By: Sanford
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the COVID-19 pandemic, state and local governments issued orders limiting or outright prohibiting certain public gatherings. Churches and other places of worship were impacted by these orders, infringing on the freedom of worship that is enshrined in the U.S. Constitution. C.S.H.B. 1239 seeks to protect the rights of Texans to freely exercise their religious beliefs by prohibiting the issuance of an emergency order that would close a Texan place of worship.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1239 amends the Civil Practice and Remedies Code to prohibit an applicable 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 Texas. The bill authorizes a person whose free exercise of religion has been substantially burdened in violation of that prohibition to 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. The bill establishes that, for purposes of a state of disaster declared under the Texas Disaster Act of 1975, provisions regarding governmental liability with respect to religious freedom are not considered regulatory statutes and may not be suspended.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1239 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.