

2016 Regular Session

HOUSE BILL NO. 597

BY REPRESENTATIVES MIKE JOHNSON, ABRAHAM, ADAMS, AMEDEE, ARMES, BAGLEY, COX, DEVILLIER, EDMONDS, EMERSON, GAROFALO, GUINN, HILL, HODGES, HOFFMANN, HORTON, IVEY, MACK, MCFARLAND, MIGUEZ, PEARSON, POPE, PYLANT, SEABAUGH, AND WILLMOTT

RELIGIOUS ORGANIZATIONS: Provides for the Pastor Protection Act

1 AN ACT

2 To enact Part XX of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950,
3 comprised of R.S. 13:5243 through 5247, relative to the rights of churches, clergy
4 and certain religious organizations; to provide for the exercise of certain rights of,
5 and protection against punitive measures against, churches, clergy and certain
6 religious organizations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part XX of Chapter 32 of Title 13 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 13:5243 through 5247, is hereby enacted to read as follows:

10 PART XX. PASTOR PROTECTION ACT

11 §5243. Short title

12 This Part may be cited as the "Pastor Protection Act".

13 §5244. Rights of churches, clergy and certain religious organizations

14 A legally recognized church or faith under state or federal tax law or
15 regulation, or a religious organization that meets the qualifications of the United
16 States Internal Revenue Code, Section 501(c)(3), a member of the clergy of a
17 recognized church, faith, or religious organization, or an individual employed by a
18 legally recognized church, faith, or religious organization described in this Part,

1 acting in the scope of that employment, may not be required by the state to solemnize
2 a marriage, nor provide access to facilities, services, accommodations, goods, or
3 privileges of the church, faith, or religious organization for a purpose related to the
4 solemnization, formation, or celebration of the marriage, if the actions would be
5 contrary to church doctrine, practice or in violation of the religious beliefs and
6 principles of the clergy, church, or religious organization.

7 §5245. Discrimination against religious organization prohibited

8 A refusal to provide services, accommodations, facilities, goods, or privileges
9 under this Part shall not serve as the basis for a civil or criminal cause of action or
10 any other action by this state or a political subdivision of this state to penalize or
11 withhold benefits or privileges, including tax exemptions or governmental contracts,
12 grants, or licenses, from any protected organization or individual.

13 §5246. Applicability; exception

14 The provisions of this Part shall not apply to the heterosexual marriage of an
15 interracial couple.

16 §5247. Reaffirmation of Louisiana's tradition of tolerance

17 Notwithstanding any provision of law to the contrary, nothing contained in
18 this Part shall be construed or applied in derogation of Louisiana's tradition of
19 tolerance of all people.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 597 Reengrossed

2016 Regular Session

Mike Johnson

Abstract: Provides for the rights of religious organizations and its employees and clergy to refuse participation in certain marriages.

Present law protects the free exercise of religion.

Proposed law retains present law and creates the Pastor Protection Act.

Proposed law provides that a legally recognized church or faith under state or federal tax law or regulation, or a religious organization that meets the qualifications of the United States Internal Revenue Code, Section 501(c)(3), a member of the clergy of a recognized church, faith, or religious organization, or an individual employed by a legally recognized church,

faith, or religious organization described in the Pastor Protection Act, acting in the scope of such employment, may not be required by the state to solemnize a marriage, nor provide access to facilities, services, accommodations, goods, or privileges of the church, faith, or religious organization for a purpose related to the solemnization, formation, or celebration of that marriage, if the actions would be contrary to church doctrine, practice, or would violate the religious beliefs and principles of the clergy, church, or religious organization. Provides that a refusal pursuant to proposed law shall not serve as the basis for a civil, criminal, or other punitive action by the state or a political subdivision.

Proposed law does not apply to the marriage of a heterosexual interracial couple.

(Adds R.S. 13:5243-5247)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Removes the language "in connection with" such that the bill applies to organizations that are "supervised or controlled by" religious organizations but not to organizations that are "in connection with" religious organizations.

The House Floor Amendments to the engrossed bill:

1. Clarifies the definition of a religious organization as one that meets the qualifications of the United States Internal Revenue Code, Section 501(c)(3).
2. Adds that the Act does not apply to weddings of heterosexual interracial couples.
3. Adds that nothing in the Act may be construed or applied in derogation of Louisiana's tradition of tolerance of all people.