2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 54

BY REPRESENTATIVE EDMONSTON

RELIGIOUS ORGANIZATIONS: Expresses the intent of the legislature that the exercise of religious freedom shall be protected during a state of emergency

A CONCURRENT RESOLUTION

To express the intent of the legislature that the Preservation of Religious Freedom Act shall apply to protect the religious freedom of all citizens of Louisiana during a state of emergency.

WHEREAS, R.S. 24:177(B)(2)(b) provides that the "legislature may express the intended meaning of a law in a duly adopted concurrent resolution, by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law; and

WHEREAS, during the 2010 Regular Session of the Legislature, Act No. 793 was enacted into law providing for the Preservation of Religious Freedom Act, R.S. 13:5231 through 5242; and

WHEREAS, R.S. 13:5232(1) provides that the free exercise of religion is a fundamental right of the highest order in this state; and

WHEREAS, R.S. 13:5232(3) and (4) provide that it was the intent of the legislature and the people of Louisiana in 1974 to provide the same level of protection for an action of the government that explicitly burdened religious exercise as for an action that indirectly burdened religious exercise through its effect; and

WHEREAS, R.S. 13:5233 prohibits the government from substantially burdening a person's exercise of religion, even if the burden results from a facially neutral rule or a rule of general applicability, unless it demonstrates that application of the burden to the person

is both: (1) in furtherance of a compelling governmental interest and (2) the least restrictive means of furthering that compelling governmental interest; and

WHEREAS, on March 22, 2020, during the COVID-19 public health emergency, Governor John Bel Edwards issued proclamation 33 JBE 2020, which imposed a stay-at-home order cancelling all gatherings of ten people or more, thereby effectively restricting Louisiana citizens' ability to assemble and practice their religion.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby express its intent regarding the meaning of the Religious Freedom Protection Act to include providing protections during a declared state of emergency.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the governor.

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)]

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Present law (R.S. 24:117(B)(2)) authorizes the legislature to express the intended meaning of a law in a duly adopted concurrent resolution, by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law.

Present law (R.S. 13:5231 - 5242) which was enacted pursuant to Act No. 793 of the 2010 Regular Session of the Legislature prohibits the government from substantially burdening a person's exercise of religion, even if the burden results from a facially neutral rule or a rule of general applicability, unless it demonstrates that application of the burden to the person is both: (1) in furtherance of a compelling governmental interest and (2) the least restrictive means of furthering that compelling governmental interest.

Proposed resolution expresses the intent of the legislature regarding the meaning of the Preservation of Religious Freedom Act to protect the religious freedom of all citizens of Louisiana during a state of emergency.