

2018 Regular Session

SENATE BILL NO. 309

BY SENATOR LONG

RELIGIOUS FREEDOMS/LIBERTIES. Provides for the Pastor Protection Act. (gov sig)

1 AN ACT

2 To enact Part XX of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 13:5243 through 5246, 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 5246, 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**

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

9 **§5245. Discrimination against religious organization prohibited**

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

16 **§5246. Reaffirmation of Louisiana's tradition of tolerance**

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

20 Section 2. This Act shall become effective upon signature by the governor or, if not
 21 signed by the governor, upon expiration of the time for bills to become law without signature
 22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 24 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 309 Original 2018 Regular Session Long

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. Further 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.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 13:5243-5246)