

HB 542 - AS INTRODUCED

2021 SESSION

21-0726

05/08

HOUSE BILL                **542**

AN ACT                    relative to the applicability of a state of emergency declaration to a house of worship.

SPONSORS:            Rep. Ammon, Hills. 40; Rep. Kofalt, Hills. 4; Rep. O'Hara, Belk. 9

COMMITTEE:          Judiciary

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ANALYSIS

This bill provides that any prohibition on in-person gatherings during a declared state of emergency shall not apply to houses of worship.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                      relative to the applicability of a state of emergency declaration to a house of worship.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Legislative Finding. If not checked, governments may trample on religious exercise by  
2 crafting generally applicable laws which do not explicitly target a religion or religious activity. The  
3 fact that a law is generally applicable does not mean that it complies with the federal or state free  
4 exercise clauses. As the United States Supreme Court has said, the “constitutional rights of those  
5 spreading their religious beliefs through the spoken and printed word are not to be gauged by  
6 standards governing retailers or wholesalers of books.” *Murdock v. Com. of Pennsylvania*, 319 U.S.  
7 105, 111 (1943).

8            2 New Paragraph; State of Emergency Declaration; Powers; Application to Houses of Worship  
9 Limited. Amend RSA 4:45 by inserting after paragraph III the following new paragraph:

10           IV. To guarantee the free exercise of religion and right of the people to peaceably assemble,  
11 as required by the First Amendment of the United States Constitution and Part I, Article 5 of the  
12 New Hampshire constitution, any powers activated pursuant to a state of emergency shall not  
13 prohibit in-person gatherings at established houses of worship, such as churches, monasteries,  
14 mosques, shrines, synagogues, or temples, or temporary places of worship, such as a home bible  
15 study or other religious worship or study group or venue.

16           3 Effective Date. This act shall take effect 60 days after its passage.