

CHAPTER 825

H.B. No. 2449

AN ACT

relating to the protection of the free exercise of religious beliefs.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 29, Code of Criminal Procedure, is amended by adding Article 29.011 to read as follows:

Art. 29.011. RELIGIOUS HOLY DAY. (a) In this article:

(1) "Religious organization" means an organization that meets the standards for qualifying as a religious organization under Section 11.20, Tax Code.

(2) "Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.

(b) If a party in a criminal action is required to appear at a court proceeding on a religious holy day observed by the party, the court shall continue the action.

(c) A party seeking a continuance must file with the court an affidavit stating:

(1) the grounds for the continuance; and

(2) that the party holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the continuance is sought.

(d) An affidavit filed under Subsection (c) of this article is proof of the facts stated and need not be corroborated.

SECTION 2. Chapter 30, Civil Practice and Remedies Code, is amended by adding Section 30.004 to read as follows:

Sec. 30.004. RELIGIOUS HOLY DAY. (a) In this section:

(1) "Religious organization" means an organization that meets the standards for qualifying as a religious organization under Section 11.20, Tax Code.

(2) "Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.

(b) If a party in a civil action is required to appear at a court proceeding on a religious holy day observed by the party, the court shall continue the civil action.

(c) A party seeking a continuance must file with the court an affidavit stating:

(1) the grounds for the continuance; and

(2) that the party holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the continuance is sought.

(d) An affidavit filed under Subsection (c) of this section is proof of the facts stated and need not be corroborated.

SECTION 3. Subchapter B, Chapter 62, Government Code, is amended by adding Section 62.112 to read as follows:

Sec. 62.112. EXCUSE OF JUROR FOR RELIGIOUS HOLY DAY. (a) In this section:

(1) "Religious organization" means an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code.

(2) "Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.

(b) *If a prospective juror is required to appear at a court proceeding on a religious holy day observed by the prospective juror, the court shall release the prospective juror from jury service entirely or until another day of the term. If the court determines that a term of a court proceeding may extend to cover a day on which a religious holy day is observed by the prospective juror, the court shall release the prospective juror from jury service entirely or until another day of the term.*

(c) *A prospective juror who seeks to be released from jury service may be required to file with the court an affidavit stating:*

(1) *the grounds for the release; and*

(2) *that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the release from jury duty is sought.*

SECTION 4. Chapter 29, Code of Criminal Procedure, is amended by adding Article 29.012 to read as follows:

Art. 29.012. RELIGIOUS HOLY DAY. (a) In this article:

(1) *“Religious organization” means an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code.*

(2) *“Religious holy day” means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.*

(b) *If a juror in a criminal action is required to appear at a court proceeding on a religious holy day observed by the juror, the court shall recess the criminal action until the next day the court is in session after the conclusion of the holy day.*

(c) *A juror seeking a recess must file with the court before the final selection of the jury an affidavit stating:*

(1) *the grounds for the recess; and*

(2) *that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the recess is sought.*

(d) *An affidavit filed under Subsection (c) of this section is proof of the facts stated and need not be corroborated.*

SECTION 5. Subtitle B, Title 2, Civil Practice and Remedies Code, is amended by adding Chapter 23 to read as follows:

CHAPTER 23. JUROR CONTINUANCE

Sec. 23.001. DEFINITIONS. In this chapter:

(1) *“Religious organization” means an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code.*

(2) *“Religious holy day” means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.*

Sec. 23.002. RECESS. (a) If a juror in a civil action is required to appear at a court proceeding on a religious holy day observed by the juror, the court shall recess the civil action until the next day the court is in session after the conclusion of the holy day.

(b) *A juror seeking a recess must file with the court before the final selection of the jury an affidavit stating:*

(1) *the grounds for the recess; and*

(2) *that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the recess is sought.*

(c) *An affidavit filed under Subsection (b) is proof of the facts stated and need not be corroborated.*

SECTION 6. (a) Each state agency shall adopt a procedure to permit an examinee who wishes to observe a religious holy day for which his religious beliefs prevent him from

taking an examination on that day to take the examination scheduled to be administered by the agency on that holy day on an alternate date.

(b) "Religious organization" means an organization that qualifies under Section 11.20, Tax Code.

(c) "Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities.

(d) "State agency" means any agency in the executive, legislative, or judicial branch of state government that administers an examination for licensing or other regulatory purposes.

(e) Each state agency shall adopt rules as necessary to implement this section.

SECTION 7. This Act takes effect September 1, 1987, except that Section 6 applies to an examination scheduled to be administered on or after January 1, 1988.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 15, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2449 on May 31, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Sept. 1, 1987.