

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2074**

By Delegates C. Pritt, Hillenbrand, Brooks, Crouse

and Kirby

[Introduced January 11, 2023; Referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §15-5-31, relating to ensuring that religious services and houses of worship  
 3 remain open during any declared state of emergency by the Governor of West Virginia;  
 4 providing for a cause of action; establishing a two-year statute of limitations to file suit; and  
 5 providing an effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY  
 MANAGEMENT.**

**§15-5-31. Religious Freedom Protection Act.**

1 (a) Emergencies - Notwithstanding any other provision in this act to the contrary, no order  
 2 issued pursuant to the authority granted under §15-5-6 of this code, nor any control measure taken  
 3 under §15-5-1 et seq. of this code, may do any of the following:

- 4 (1) Infringe on the right to assemble to worship according to a person’s faith;
- 5 (2) Impact the ability to travel to or from a place of worship;
- 6 (3) Authorize any adverse action against a religious institution or members of a religious  
 7 organization for exercising their religion.

8 (b) Definition - For purposes of this section, the term "adverse action" shall include the  
 9 application of a civil or criminal penalty or the imposition of an administrative sanction.

10 (c) Cause of action - Any religious institution that suffers any direct or indirect harm as a  
 11 result of a violation of this section shall have a private cause of action for injunctive relief,  
 12 damages, and any other relief available under law.

13 (d) Statute of limitations - All civil actions must be initiated within two (2) years after the  
 14 harm occurred. Persons or organizations who prevail on a claim brought pursuant to this section  
 15 shall be entitled to monetary damages, including for any psychological, emotional, and physical  
 16 harm suffered, reasonable attorney’s fees and costs, and any other appropriate relief.

17            (e) *Effective date* - This act shall take effect immediately upon passage.

NOTE: The purpose of this bill is to ensure that protections are in place to protect religious services during a declared state of emergency by the Governor or other declarations by the executive branch that would impose restrictions upon such houses of worship.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.