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Dear Member of the Kentucky House of Representatives:

HB 43 is a poorly drafted bill. It could be construed to provide unprecedented criminal and civil immunity for religious organizations.

Under the guise of providing protections for worship services during an emergency, the bill could create broad criminal and civil immunity for religious groups by effectively prohibiting the government from enforcing *any* law against religious organizations, as long they claim to be exercising their faith when engaging in the unlawful conduct.

HB43 defines “discriminatory actions” broadly. They include causing “any tax, fine, civil or criminal penalty, payment, damages award, or injunction to be assessed against a religious organization.” They also include denying a tax exemption for a religious organization, as well as denying religious organizations state grants, contracts, scholarships, licenses, certifications, and other benefits.

The bill is overbroad. Religious organizations could be shielded from penalties for failing to comply with requirements that are not considered health, safety, or occupancy requirements. Exempting religious organizations from nearly every law—from the mundane to our most critical legal protections—and shielding them from civil and criminal liability during an emergency or at any other time is the type of broad religious preference that the U.S. Constitution forbids. And it is not necessary to safeguard religious worship during a crisis.

Ultimately, no new legislation is necessary to protect religious worship during emergencies. The Kentucky Constitution and Kentucky’s Religious Freedom Restoration Act already protects religious freedom, and the U.S. Supreme Court’s recent rulings affirm that, although some limits on worship services are permissible in rare circumstances, these restrictions may not be more severe than restrictions imposed on comparable secular gatherings.

The ACLU of Kentucky urges a no on HB 43. Thank you.

Sincerely,

Kate Miller
Advocacy Director