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Oppose H. 3105 - Grants Unprecedented Legal Immunity for Religious Groups

Bill Summary: H. 3105 would forbid the government, including courts, from imposing any “monetary fine, fee, penalty, damage award, or injunction” against a religious organization in connection with the organization’s religious activities.

Provides extreme religious exemptions under the guise of allowing worship services. This legislation goes well beyond protecting the right to worship during public emergencies. Whether intentionally or unintentionally, this bill is a wolf in sheep’s clothing. As written, it would essentially give religious organizations a “get out of jail free” card for nearly any violation of any law at any time. These radical religious exemptions would be dangerous and blatantly unconstitutional. No criminal liability. No civil liability. A complete exemption from complying with any law whenever a religious organization claims to be engaged in religious activity.

Giving religious groups blanket immunity from the law harms others. The broad exemptions would allow religious organizations to engage in behavior that harms others with total impunity. For example:

- Religious schools and organizations could claim immunity from criminal or civil liability for child abuse.
- A religiously motivated hate group could avoid prosecution for criminal activities associated with its religious beliefs.
- Religious organizations of all types could be shielded from state and municipal nondiscrimination laws.
- A house of worship that routinely violates the fire code or exceeds capacity limits during worship services could not be fined or required by a court to comply with the law.
- A patient would lose the right to sue a religious hospital for medical neglect or reckless care provided consistent with the hospital’s religious beliefs.
- A family whose child was injured or killed due to negligence or recklessness by a religious school could be prevented from suing the school.
- South Carolina could not recover state funds used by religious organizations for fraudulent or improper purposes, as long as the funds were used while engaging in religious activities.
- Employees of religious schools and hospitals could be prevented from suing if their employers engaged in harassment, discrimination, or even criminal behavior.
- Individuals and groups are less likely to contract with religious organizations (e.g., to host weddings, events, or even provide insurance) if they cannot enforce their rights in court.

South Carolina law already provides strong protections for religious exercise. This legislation is unnecessary. Current South Carolina law already protects religious freedom, even in times of crisis. For example, the South Carolina Religious Freedom Act provides that the “State may not substantially burden a person’s exercise of religion” unless the government can meet a very high legal standard. This bill is also much more extreme than the U.S. Supreme Court’s recent rulings, which already protect worship services during times of crisis. The Court has made clear that government may not impose emergency restrictions on worship services that are more severe than restrictions imposed on comparable secular gatherings. This legislation would go far beyond this common-sense rule to prevent the government from imposing any restriction or liability on a religious organization at any time. Even if the religious organization directly endangers the lives of the public or the members of the organization itself, the government’s hands would be tied.

Oppose H. 3105 - Do not grant religious organizations a “get out of jail free” card for nearly any violation of any law at any time.

