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Legislative Memorandum

SPONSOR: Legislator Holstein
TITLE: Safe Access to Religious Institutions Act
DATE: May 4, 2026

Purpose

To ensure safe, unobstructed access to religious institutions by establishing reasonable time, place, and manner restrictions on protest activity near such locations, while fully preserving First Amendment rights.

Summary of Provisions

This legislation establishes narrowly tailored buffer zones around religious institutions during designated hours of operation to prevent obstruction, harassment, and interference with ingress and egress.

Key Provisions

1. Definitions

- **Religious Institution:** Any house of worship or facility primarily used for religious services, including but not limited to synagogues, churches, mosques, temples, and associated schools during hours of religious use.
- **Buffer Zone:** A defined area extending up to 25 feet from any entrance, exit, driveway, or crosswalk providing access to a religious institution.
- **Obstruction:** Any act that blocks, impedes, or interferes with access to or from the institution, including standing, sitting, congregating, or placing objects in a manner that restricts movement.

2. Prohibited Conduct Within Buffer Zone

Within the designated buffer zone, no person shall knowingly:

- Block or impede access to entrances, exits, sidewalks, or crosswalks leading to the institution
- Prevent or attempt to prevent individuals from entering or leaving
- Physically obstruct pedestrian or vehicular traffic
- Engage in conduct that creates a reasonable fear of harm or intimidation directed at individuals accessing the institution

3. Permitted Activity

- Peaceful protest, picketing, or demonstration is permitted **outside** the buffer zone
- Individuals may assemble across the street or in nearby public spaces so long as access is not obstructed
- Normal pedestrian movement through public sidewalks remains unrestricted, provided it does not interfere with access

4. Time, Place, and Manner Limitation

- The buffer zone applies only during:
 - Scheduled religious services
 - Religious school hours
 - Official events hosted by the institution
- Restrictions are **content-neutral** and apply regardless of viewpoint

5. Enforcement

- Violations shall be subject to civil penalties and/or misdemeanor charges
- Law enforcement may issue warnings and require dispersal prior to enforcement, except in cases of immediate obstruction
- Repeat violations may result in enhanced penalties

Justification

Recent incidents have demonstrated an increase in protests directly outside religious institutions, in some cases obstructing access and creating safety concerns. This legislation ensures that individuals can freely exercise their right to worship without interference, while preserving the constitutional right to protest in nearby public spaces.

The framework is consistent with established First Amendment jurisprudence permitting content-neutral time, place, and manner restrictions, including buffer zones upheld in cases involving access to healthcare facilities.