

Senate Bill 129

By: Senators McKoon of the 29th, Ligon, Jr. of the 3rd, Crane of the 28th, Bethel of the 54th, Harbin of the 16th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to provide for the preservation of religious freedom; to provide for legislative findings;
3 to provide for definitions; to provide for the granting of relief; to provide for a short title; to
4 provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 This Act shall be known and may be cited as the "Georgia Religious Freedom Restoration
8 Act."

9 style="text-align:center">**SECTION 2.**

10 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
11 by adding a new chapter to read as follows:

12 style="text-align:center">"CHAPTER 15A

13 50-15A-1.

14 The General Assembly finds and determines that:

15 (1) The framers of the United States Constitution, recognizing free exercise of religion
16 as an inalienable right, secured its protection in the First Amendment to the United States
17 Constitution;

18 (2) The people of this state, to perpetuate the principles of free government, insure
19 justice to all, preserve peace, promote the interest and happiness of the citizen and of the
20 family, and transmit to posterity the enjoyment of liberty, provided for the protection of
21 religious opinions and freedom of religion in Paragraphs III and IV of Section I, Article
22 I of the Constitution of this state; and

23 (3) Given the inalienable right to the free exercise of religion and the constitutional
 24 protections afforded to religious opinions and freedom of religion in this state,
 25 government should not burden religious exercise without compelling justification and the
 26 use of the least restrictive means to achieve its governmental purpose.

27 50-15A-2.

28 As used in this chapter, the term:

29 (1) 'Compelling governmental interest' means a governmental interest of the highest
 30 magnitude that cannot otherwise be achieved without burdening the exercise of religion
 31 of the person seeking relief under this chapter.

32 (2) 'Demonstrates' means meets the burdens of going forward with the evidence and of
 33 persuasion.

34 (3) 'Exercise of religion' means the practice or observance of religion under Paragraphs
 35 III and IV of Section I, Article I of the Constitution of this state and the Free Exercise
 36 Clause of the First Amendment to the Constitution of the United States, including but not
 37 limited to the right to act or refuse to act in a manner that is substantially motivated by
 38 a sincerely held religious belief, whether or not the religious exercise is compulsory or
 39 central to a larger system of religious belief, and the use or intended use or the building
 40 or conversion of real property for a religious purpose.

41 (4) 'Government' means the state or any local subdivision of the state or public
 42 instrumentality or public corporate body created by or under authority of state law,
 43 including but not limited to the executive, legislative, and judicial branches and every
 44 department, agency, board, bureau, office, commission, authority, or similar body
 45 thereof; municipalities; counties; school districts; special taxing districts; conservation
 46 districts; authorities; and any other state or local public instrumentality or corporation.

47 50-15A-3.

48 (a) Government shall not substantially burden a person's exercise of religion even if the
 49 burden results from a rule of general applicability, unless government demonstrates that
 50 application of the burden to the person is:

51 (1) Essential to achieve a compelling governmental interest; and

52 (2) The least restrictive means of achieving that compelling governmental interest.

53 (b) A person whose religious exercise has been burdened in violation of this chapter may
 54 assert that claim or defense in a judicial, agency, or other proceeding and obtain
 55 appropriate relief against government.

56 50-15A-4.

57 Nothing in this chapter shall be construed to:

58 (1) Apply to penological rules, regulations, conditions, or policies established by a penal
59 institution that are reasonably related to the safety and security of incarcerated persons,
60 staff, visitors, supervised violators, or the public, or to the maintenance of good order and
61 discipline in any penal institution or parole or probation program; or

62 (2) Create any rights by an employee against an employer if such employer is not
63 government."

64 **SECTION 3.**

65 This Act shall become effective upon its approval by the Governor or upon its becoming law
66 without such approval.

67 **SECTION 4.**

68 All laws and parts of laws in conflict with this Act are repealed.