

SECOND REGULAR SESSION

SENATE BILL NO. 916

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 24, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6183S.011

AN ACT

To repeal sections 1.302 and 1.307, RSMo, and to enact in lieu thereof one new section relating to the exercise of religion.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 1.302 and 1.307, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 1.302, to read as follows:

1.302. 1. [A governmental authority may not restrict a person's free exercise of religion, unless:

(1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and

(2) The governmental authority demonstrates that application of the restriction to the person is essential to further a compelling governmental interest, and is not unduly restrictive considering the relevant circumstances.

2. As used in this section, "exercise of religion" shall be defined as an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

3. As used in this section "demonstrates" means meets the burden of going forward with the evidence and of persuasion.] **As used in this section, the following shall mean:**

(1) **"Demonstrates", meets the burden of going forward with the evidence and of persuasion;**

(2) **"Exercise of religion", an act or refusal to act that is substantially motivated by sincere religious belief, whether or not the religious exercise is compulsory or central to a larger system of**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 religious belief;

21 (3) "Relevant circumstances", includes legitimate penological
22 interests needed to protect the safety and security of incarcerated
23 persons and correctional facilities, but shall not include reasonable
24 requests by incarcerated individuals for the opportunity to pray,
25 reasonable access to clergy, use of religious materials that are not
26 violent or profane, and reasonable dietary requests.

27 2. A governmental authority shall not substantially burden a
28 person's free exercise of religion, even if the burden results from a rule
29 of general applicability, unless the governmental authority
30 demonstrates that the burden on the person is essential to further a
31 compelling governmental interest, and the burden is the least
32 restrictive means to further that compelling interest, considering the
33 relevant circumstances.

34 3. This section provides a claim or defense for state and local
35 laws, resolutions and ordinances, and executive orders, and the
36 implementation of such laws, resolutions, ordinances, and executive
37 orders, whether statutory or otherwise, and whether adopted before or
38 after August 28, 2014, which violate the free exercise of religion
39 established pursuant to this section.

40 4. This section shall apply without regard to whether a state or
41 local governmental authority is a party to the claim, proceeding, or
42 other legal dispute.

43 5. Nothing in this section shall be construed:

44 (1) To authorize any governmental authority to burden any
45 religious belief;

46 (2) To establish a defense to a civil action or criminal
47 prosecution based on a federal, state, or local civil rights law involving
48 discrimination as defined in section 213.010; or

49 (3) To allow any person to cause physical injury to another
50 person, to possess a weapon otherwise prohibited by law, to fail to
51 provide monetary support for a child or to fail to provide health care
52 for a child suffering from a life-threatening condition.

2 [1.307. 1. Section 1.302 and this section apply to all state
3 and local laws, resolutions and ordinances and the implementation
4 of such laws, resolutions, and ordinances, whether statutory or
otherwise, and whether adopted before or after August 28, 2003.

5 2. Nothing in section 1.302 and this section shall be
6 construed to authorize any government to burden any religious
7 belief, except that nothing in these sections shall be construed to
8 establish or eliminate a defense to a civil action or criminal
9 prosecution based on a federal, state, or local civil rights law.

10 3. Nothing in section 1.302 and this section shall be
11 construed as allowing any person to cause physical injury to
12 another person, to possess a weapon otherwise prohibited by law,
13 to fail to provide monetary support for a child or to fail to provide
14 health care for a child suffering from a life-threatening condition.

15 4. "Relevant circumstances" may include legitimate
16 penological interests needed to protect the safety and security of
17 incarcerated persons and correctional facilities, but shall not
18 include reasonable requests by incarcerated individuals for the
19 opportunity to pray, reasonable access to clergy, use of religious
20 materials that are not violent or profane, and reasonable dietary
21 requests.]

Bill ✓

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