SENATE BILL No. 568

DIGEST OF INTRODUCED BILL


Synopsis: Religious freedom restoration act. Provides that a state or local government action may not substantially burden a person's right to the exercise of religion unless it is demonstrated that applying the burden to the person's exercise of religion is: (1) essential to further a compelling governmental interest; and (2) the least restrictive means of furthering the compelling governmental interest. Provides that a person whose exercise of religion has been substantially burdened, or is likely to be substantially burdened, by a state or local government action may assert the burden as a claim or defense in a judicial proceeding, regardless of whether the state or a political subdivision of the state is a party to the judicial proceeding. Allows a person who asserts a burden as a claim or defense to obtain appropriate relief, including: (1) injunctive relief; (2) declaratory relief; (3) compensatory damages; and (4) recovery of court costs and reasonable attorney's fees.

Effective: Upon passage.

Schneider, Kruse, Steele, Yoder, Buck, Banks A, Brown L, Smith J, Tomes, Walker

January 20, 2015, read first time and referred to Committee on Judiciary.
SENATE BILL No. 568

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 34-13-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 9. Religious Freedom Restoration Act
Sec. 1. (a) As used in this chapter, "burden" means an action that directly or indirectly:

(1) constrains, inhibits, curtails, or denies the exercise of religion by a person; or
(2) compels a person to take an action that is contrary to the person's exercise of religion.

(b) The term includes:

(1) withholding a benefit from a person;
(2) assessing a criminal, a civil, or an administrative penalty against a person; or
(3) excluding a person from a governmental program or denying a person access to a governmental facility.
Sec. 2. As used in this chapter, "compelling governmental interest" means a governmental interest of the highest magnitude that cannot otherwise be achieved without burdening the exercise of religion.

Sec. 3. (a) As used in this chapter, "exercise of religion" means the practice or observance of religion.

(b) The term includes a person's ability to:

(1) act; or

(2) refuse to act;

in a manner that is substantially motivated by the person's sincerely held religious belief, regardless of whether the religious belief is compulsory or central to a larger system of religious belief.

Sec. 4. As used in this chapter, "person" means an individual, an association, a partnership, a limited liability company, a corporation, a church, a religious institution, an estate, a trust, a foundation, or any other legal entity.

Sec. 5. As used in this chapter, "state action" means:

(1) the implementation or application of a state or local law or policy; or

(2) the taking of any other action;

by the state or a political subdivision of the state.

Sec. 6. A state action, or an action taken by an individual based on state action, may not substantially burden a person's right to the exercise of religion, even if the burden results from a law or policy of general applicability, unless the state or political subdivision of the state demonstrates that applying the burden to the person's exercise of religion is:

(1) essential to further a compelling governmental interest; and

(2) the least restrictive means of furthering the compelling governmental interest.

Sec. 7. (a) A person whose exercise of religion:

(1) has been substantially burdened; or

(2) is likely to be substantially burdened;

by a violation of section 6 of this chapter may assert the violation, or impending violation, as a claim or defense in a judicial proceeding, regardless of whether the state or a political subdivision of the state is a party to the judicial proceeding.

(b) A person who asserts a claim or defense under subsection (a) may obtain appropriate relief from a violation, or an impending violation, of section 6 of this chapter, including relief against the state or a political subdivision of the state. Appropriate relief
under this subsection includes any of the following:

(1) Injunctive relief.
(2) Declaratory relief.
(3) Compensatory damages.
(4) Recovery of court costs and reasonable attorney's fees.

SECTION 2. An emergency is declared for this act.