

SENATE BILL No. 568

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-13-9.

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.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

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:

1 SECTION 1. IC 34-13-9 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:
4 **Chapter 9. Religious Freedom Restoration Act**
5 **Sec. 1. (a) As used in this chapter, "burden" means an action**
6 **that directly or indirectly:**
7 **(1) constrains, inhibits, curtails, or denies the exercise of**
8 **religion by a person; or**
9 **(2) compels a person to take an action that is contrary to the**
10 **person's exercise of religion.**
11 **(b) The term includes:**
12 **(1) withholding a benefit from a person;**
13 **(2) assessing a criminal, a civil, or an administrative penalty**
14 **against a person; or**
15 **(3) excluding a person from a governmental program or**
16 **denying a person access to a governmental facility.**



1 **Sec. 2.** As used in this chapter, "compelling governmental
2 interest" means a governmental interest of the highest magnitude
3 that cannot otherwise be achieved without burdening the exercise
4 of religion.

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

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

8 (1) act; or

9 (2) refuse to act;

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

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

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

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

20 (2) the taking of any other action;

21 by the state or a political subdivision of the state.

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

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

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

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

33 (1) has been substantially burdened; or

34 (2) is likely to be substantially burdened;

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

39 **(b)** A person who asserts a claim or defense under subsection (a)
40 may obtain appropriate relief from a violation, or an impending
41 violation, of section 6 of this chapter, including relief against the
42 state or a political subdivision of the state. Appropriate relief



1 **under this subsection includes any of the following:**
2 **(1) Injunctive relief.**
3 **(2) Declaratory relief.**
4 **(3) Compensatory damages.**
5 **(4) Recovery of court costs and reasonable attorney's fees.**
6 **SECTION 2. An emergency is declared for this act.**

