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.01I

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Section A. Sections 1.302 and 1.307, RSMo, are repealed and one new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
do 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.
religious belief;

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

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

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

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

5. Nothing in this section shall be construed:

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

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

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

[1.307. 1. Section 1.302 and this section apply to all state and local laws, resolutions and ordinances and the implementation of such laws, resolutions, and ordinances, whether statutory or otherwise, and whether adopted before or after August 28, 2003.]
2. Nothing in section 1.302 and this section shall be construed to authorize any government to burden any religious belief, except that nothing in these sections shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on a federal, state, or local civil rights law.

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

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