

FIRST REGULAR SESSION

SENATE BILL NO. 248

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time January 14, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1357S.011

AN ACT

To amend chapter 173, RSMo, by adding thereto two new sections relating to student associations at public institutions of higher learning.

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

Section A. Chapter 173, RSMo, is amended by adding thereto two new sections, to be known as sections 173.1555 and 173.1560, to read as follows:

173.1555. As used in sections 173.1555 and 173.1560, the following terms shall mean:

(1) "Benefit", recognition, registration, the use of facilities of the public institution of higher learning for meetings or speaking purposes, the use of channels of communication of the public institution of higher learning and the use of funding sources that are otherwise available to other student associations in the public institution of higher learning;

(2) "Exercise of religion", the practice or observance of religion as specified by state law and the First Amendment of the United States Constitution;

(3) "Public institution of higher learning", any state postsecondary educational institution governed or supervised by a board erected under chapter 172, 174, 175, or 178, a board of trustees of a community college, or any state board for any other technical school;

(4) "Substantially burden", an action by a public institution of higher learning which directly or indirectly:

(a) Constrains or inhibits conduct or expression that reflects a student's sincerely held religious beliefs;

(b) Denies a student an opportunity to engage in religious activities; or

22 (c) Pressures a student to engage in conduct or expression
23 contrary to a sincerely held religious belief or not to engage in conduct
24 or expression motivated by a sincerely held religious belief.

173.1560. 1. No public institution of higher learning shall take
2 any action or enforce any policy that denies a religious student
3 association any benefit available to any other student association, or
4 discriminate against a religious student association with respect to
5 such benefit, based on that association's requirement that its leaders
6 or members adhere to the association's sincerely held religious beliefs,
7 comply with the association's sincere religious observance
8 requirements, comply with the association's sincere religious standards
9 of conduct, or be committed to furthering the association's religious
10 missions as such beliefs, requirements, standards, or missions are
11 defined by the association or religion upon which the association is
12 based.

13 2. No public institution of higher learning shall substantially
14 burden a student's exercise of religion except if it is in furtherance of
15 a compelling interest of the public institution of higher learning,
16 actually furthers that interest, and is the least restrictive means of
17 furthering that interest.

18 3. Any student or religious student association that has been
19 aggrieved as a result of a violation of subsection 1 or 2 of this section
20 may assert that violation as a claim or defense in a judicial or
21 administrative proceeding against the public institution of higher
22 learning and obtain appropriate relief, including damages, against that
23 institution.

Copy
✓