

SECOND REGULAR SESSION

SENATE BILL NO. 551

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS FLOTRON AND MAXWELL.

Pre-filed December 1, 1999, and 1,000 copies ordered printed.

2435S.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 1, RSMo, by adding thereto three new sections relating to the prohibition of interference with the free exercise of religion absent a compelling state interest.

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

Section A. Chapter 1, RSMo, is amended by adding thereto three new sections, to be known as sections 1.302, 1.305 and 1.307, to read as follows:

1.302. The compelling state interest test shall be imposed on all state and local laws and ordinances in all cases in which free exercise and enjoyment of religious belief or practice is substantially burdened.

1.305. 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 the least restrictive means of furthering that compelling governmental interest.

2. "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. "Demonstrates" means meets the burden of going forward with the evidence and of persuasion.

1.307. 1. Sections 1.302 to 1.307 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 the effective date of sections 1.302 to 1.307.

2. Nothing in sections 1.302 to 1.307 shall be construed to authorize any government to burden any religious belief.

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