

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 958 & 657

91ST GENERAL ASSEMBLY

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Reported from the Committee on Judiciary, January 24, 2002, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bills Nos. 958 and 657, adopted April 15, 2002.

Taken up for Perfection April 15, 2002. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3812S.03P

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## AN ACT

To amend chapter 1, RSMo, by adding thereto four new sections relating to the prohibition of interference with the free exercise of religion and the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution.

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

Section A. Chapter 1, RSMo, is amended by adding thereto four new sections, to be known as sections 1.302, 1.305, 1.307 and 1.309, 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 and the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution is substantially burdened.**

**1.305. 1. A governmental authority may not restrict a person's free exercise of religion or the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution, unless:**

**(1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions or the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution; 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, 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 or the rights of the second amendment of the United States Constitution and article I, section 23 of the Missouri Constitution.**

**1.309. A governmental authority may not restrict an inmate's or prisoner's free exercise of religion unless it demonstrates that the application of the restriction to an inmate held in a state correctional facility or prisoner held in a county or municipal jail is reasonably related to legitimate penological interests and otherwise meets all criteria set forth by the United States Supreme Court.**

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