

FIRST REGULAR SESSION

# SENATE BILL NO. 370

90TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS FLOTRON, KLARICH, MAXWELL, KINDER AND CHILDERS.

Read 1st time January 28, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S1022.04J

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## AN ACT

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

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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 five new sections, to be known as sections 1.300, 1.302, 1.305, 1.307 and 1.310, to read as follows:

**1.300. The general assembly finds that:**

**(1) The state constitution recognizes the free exercise and enjoyment of religious profession and worship, without discrimination or preference, as an inherent and fundamental right; and**

**(2) Laws facially neutral toward religion, as well as laws intended to interfere with religious exercise, may burden religious exercise and profession; and**

**(3) Neither the state, nor its political subdivisions, shall substantially burden religious exercise without compelling justification; and**

**(4) The compelling interest test, as set forth in the federal cases of *Wisconsin v. Yoder*, 406 U.S. 205(1972), and *Sherbert v. Verner*, 374 U.S. 398(1963), is a workable test for striking sensible balances between religious liberty and competing governmental interests.**

**1.302. It is the intent of the general assembly to:**

**(1) Guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which free exercise and enjoyment of religious profession and worship is substantially burdened; and**

**(2) Provide a claim or defense to persons whose religious profession and worship is substantially burdened by the state or its political subdivisions.**

**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 proves 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.**

**1.307. 1. Sections 1.300 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 1.300 to 1.307.**

**2. State law adopted after the effective date of sections 1.300 to 1.307 shall be subject to sections 1.300 to 1.307 unless such law explicitly excludes such application by reference to this act.**

**3. Nothing in sections 1.300 to 1.307 shall be construed to authorize any government to burden any religious belief.**

**4. An analysis shall be performed on every bill introduced in the general assembly to determine that the bill complies with sections 1.300 to 1.307.**

**1.310. If any provisions of sections 1.300 to 1.307 or the application thereof to any one or to any circumstance is held invalid, the remainder of those sections and the applications of such provisions to others or other circumstances shall not be affected thereby.**

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