

HOUSE BILL No. 1632

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-13-9.

Synopsis: Religious freedom restoration act. Provides that a state or local government action may not substantially burden a person's right to the exercise of religion unless it is demonstrated that applying the burden to the person's exercise of religion is: (1) essential to further a compelling governmental interest; and (2) the least restrictive means of furthering the compelling governmental interest. Provides that a person whose exercise of religion has been substantially burdened, or is likely to be substantially burdened, by a state or local government action may assert the burden as a claim or defense in a judicial proceeding, regardless of whether the state or a political subdivision of the state is a party to the judicial proceeding. Allows a person who asserts a burden as a claim or defense to obtain appropriate relief, including: (1) injunctive relief; (2) declaratory relief; (3) compensatory damages; and (4) recovery of court costs and reasonable attorney's fees.

Effective: Upon passage.

Wesco, Thompson

January 22, 2015, read first time and referred to Committee on Judiciary.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-13-9 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:
4 **Chapter 9. Religious Freedom Restoration Act**
5 **Sec. 1. (a) As used in this chapter, "burden" means an action**
6 **that directly or indirectly:**
7 **(1) constrains, inhibits, curtails, or denies the exercise of**
8 **religion by a person; or**
9 **(2) compels a person to take an action that is contrary to the**
10 **person's exercise of religion.**
11 **(b) The term includes:**
12 **(1) withholding a benefit from a person;**
13 **(2) assessing a criminal, a civil, or an administrative penalty**
14 **against a person; or**
15 **(3) excluding a person from a governmental program or**



- 1 denying a person access to a governmental facility.
- 2 **Sec. 2.** As used in this chapter, "compelling governmental
3 interest" means a governmental interest of the highest magnitude
4 that cannot otherwise be achieved without burdening the exercise
5 of religion.
- 6 **Sec. 3. (a)** As used in this chapter, "exercise of religion" means
7 the practice or observance of religion.
- 8 **(b)** The term includes a person's ability to:
- 9 (1) act; or
10 (2) refuse to act;
11 in a manner that is substantially motivated by the person's
12 sincerely held religious belief, regardless of whether the religious
13 belief is compulsory or central to a larger system of religious belief.
- 14 **Sec. 4.** As used in this chapter, "person" means an individual, an
15 association, a partnership, a limited liability company, a
16 corporation, a church, a religious institution, an estate, a trust, a
17 foundation, or any other legal entity.
- 18 **Sec. 5.** As used in this chapter, "state action" means:
- 19 (1) the implementation or application of a state or local law or
20 policy; or
21 (2) the taking of any other action;
22 by the state or a political subdivision of the state.
- 23 **Sec. 6.** A state action, or an action taken by an individual based
24 on state action, may not substantially burden a person's right to
25 the exercise of religion, even if the burden results from a law or
26 policy of general applicability, unless the state or political
27 subdivision of the state demonstrates that applying the burden to
28 the person's exercise of religion is:
- 29 (1) essential to further a compelling governmental interest;
30 and
31 (2) the least restrictive means of furthering the compelling
32 governmental interest.
- 33 **Sec. 7. (a)** A person whose exercise of religion:
- 34 (1) has been substantially burdened; or
35 (2) is likely to be substantially burdened;
36 by a violation of section 6 of this chapter may assert the violation,
37 or impending violation, as a claim or defense in a judicial
38 proceeding, regardless of whether the state or a political
39 subdivision of the state is a party to the judicial proceeding.
- 40 **(b)** A person who asserts a claim or defense under subsection (a)
41 may obtain appropriate relief from a violation, or an impending
42 violation, of section 6 of this chapter, including relief against the



1 state or a political subdivision of the state. Appropriate relief
2 under this subsection includes any of the following:

- 3 (1) Injunctive relief.
- 4 (2) Declaratory relief.
- 5 (3) Compensatory damages.
- 6 (4) Recovery of court costs and reasonable attorney's fees.

7 SECTION 2. An emergency is declared for this act.

