

FIRST REGULAR SESSION

# HOUSE BILL NO. 712

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HANAWAY, MOORE, ICET, SANDER, DIXON (Co-sponsors),  
CRAWFORD, CROWELL, CUNNINGHAM (86), BEARDEN, PHILLIPS, NIEVES, ERVIN, COOPER (120),  
RECTOR, MYERS, SUTHERLAND, BISHOP, WILSON (130), DAVIS (19), MEINERS, LEMBKE,  
REINHART, BRUNS AND HOBBS.

Read 1<sup>st</sup> time April 1, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1750L.011

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### AN ACT

To amend chapter 1, RSMo, by adding thereto two new sections relating to prohibition of interference with the free exercise of religion.

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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 two new sections, to be  
2 known as sections 1.302 and 1.307, to read as follows:

**1.302. 1. A governmental authority shall not restrict a person's free exercise of  
2 religion, unless:**

**3 (1) The restriction is in the form of a rule of general applicability, and does not  
4 discriminate against religion or among religions; and**

**5 (2) The governmental authority demonstrates that application of the restriction to  
6 the person is essential to further a compelling governmental interest and is the least  
7 restrictive means of furthering that compelling governmental interest.**

**8 2. As used in this section, "exercise of religion" means an act or refusal to act that  
9 is substantially motivated by religious belief, whether the religious exercise is compulsory  
10 or central to a larger system of religious belief.**

**11 3. As used in this section "demonstrates" means meets the burden of going forward  
12 with the evidence and of persuasion.**

**1.307. 1. Sections 1.302 to 1.307 apply to all state and local laws, resolutions, and  
2 ordinances and the implementation of such laws, resolutions, and ordinances, whether  
3 statutory or otherwise, and whether adopted before or after the effective date of sections  
4 1.302 to 1.307.**

5           **2. Nothing in sections 1.302 to 1.307 shall be construed to authorize any government**  
6 **to burden any religious belief; except that, nothing in sections 1.302 to 1.307 shall be**  
7 **construed to establish or eliminate a defense to a civil action or criminal prosecution based**  
8 **on a federal, state, or local civil rights law.**