

HB 1416 -- FUNDAMENTAL FREEDOM

SPONSOR: Black (137)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 8 to 4. Vote "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 9 to 4 with 1 voting present.

The bill creates the "Fundamental Freedom From Government Act".

Under the provisions of this bill, at all times, including during declared emergencies, religious services or activities are to be considered essential services. Neither the state nor any political subdivision shall treat any religious organization less favorably or more strictly than any other similarly situated organization in terms of function, service, assembly, size, or conduct as outlined in the bill. The state or any political subdivision must obtain a declaratory court order establishing by clear and convincing evidence that the intended action does not unnecessarily violate any citizen's fundamental individual rights and is necessary to protect public safety before ordering or requiring any citizen or religious organization to cease, limit, or suspend any religious services, assembly, or function or imposing a fine or penalty for failure to comply with such an order.

Any restriction by the state or any political subdivision thereof to the right of personal privacy to use sex-specific restrooms, spas, baths, showers, dressing rooms, locker rooms, or other intimate facilities or settings and the fundamental right to the free exercise of religious beliefs by any person, business, religious organization, or other organization in establishing sex-specific standards or policies shall be subject to strict scrutiny. This shall not prevent the establishment of gender-neutral facilities that respect the fundamental rights of personal privacy and free exercise of religious beliefs. The state or any political subdivision must obtain a declaratory court order establishing by clear and convincing evidence that the intended action does not unnecessarily violate such fundamental rights before ordering or requiring any person, business, organization, or religious organization to provide gender-neutral access to restrooms, spas, baths, showers, dressing rooms, locker rooms, or other intimate facilities or settings.

The bill further states that no law enforcement officer can be ordered to take any action that he or she reasonably believes to be in violation of law protecting the fundamental right of any citizen to keep and bear arms, ammunition, and accessories absent a declaratory court order establishing by clear and convincing

evidence that the intended action does not unnecessarily violate any fundamental rights.

Any suits brought under the provisions of the bill shall be advanced on the court docket and heard and decided by the court as quickly as possible.

PROPONENTS: Supporters say that Congress is limited by the Bill of Rights, and this bill is consistent with the concept that government is established in three branches, and this bill respects those branches. It identifies certain rights that are protected and subject to strict scrutiny. It respects the right of the judiciary to play its role in the three-part government process. It specifies that religious organizations are considered essential and a church shall be considered no differently than another organization in similar size and purpose. The right to have sex-specific restrooms is also under the standard of strict scrutiny. It also applies to the second amendment. This statutorily implements procedures to protect fundamental rights but it also respects the court's ability to make decisions on the matter if it sees fit.

Testifying for the bill were Representative Black; and Arnie C. Dienoff.

OPPONENTS: Those who oppose the bill submitted written testimony, which can be found online.

Testifying against the bill were Amy Schaefer; Megan M Martinez; Brian Kaylor, Word&Way; and PROMO.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.