

By: Senator(s) Gandy, Hudson, Jolly, Smith, Tindell, Chassaniol, Parker, Polk, Watson, Burton, Carmichael, Fillingane, Hale, Harkins, Jackson (15th), Lee, Longwitz, Ward, Collins

To: Universities and Colleges; Judiciary, Division A

SENATE BILL NO. 2681

1 AN ACT TO ENACT THE MISSISSIPPI RELIGIOUS FREEDOM RESTORATION
2 ACT; TO PROVIDE THAT STATE ACTION OR AN ACTION BY ANY PERSON BASED
3 ON STATE ACTION SHALL NOT BURDEN A PERSON'S RIGHT TO THE EXERCISE
4 OF RELIGION; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) This act shall be known and may be cited as
7 the Mississippi Religious Freedom Restoration Act.

8 (2) As used in this act:

9 (a) "Burden" means any action that directly or
10 indirectly constrains, inhibits, curtails or denies the exercise
11 of religion by any person or compels any action contrary to a
12 person's exercise of religion. "Burden" includes, but is not
13 limited to, withholding benefits, assessing criminal, civil or
14 administrative penalties or exclusion from governmental programs
15 or access to governmental facilities.

16 (b) "Compelling governmental interest" means a
17 government interest of the highest magnitude that cannot otherwise
18 be achieved without burdening the exerciser of religion.



19 (c) "Exercise of religion" means the practice or
20 observance of religion. "Exercise of religion" includes, but is
21 not limited to, the ability to act or the refusal to act in a
22 manner that is substantially motivated by one's sincerely held
23 religious belief, whether or not the exercise is compulsory or
24 central to a larger system of religious belief.

25 (d) "State action" means the implementation or
26 application of any law, including, but not limited to, state and
27 local laws, ordinances, rules, regulations and policies, whether
28 statutory or otherwise, or any other action by the state, a
29 political subdivision of the state, an instrumentality of the
30 state or political subdivision of the state, or a public official
31 that is authorized by law in the state.

32 (3) (a) State action or an action by any person based on
33 state action shall not burden a person's right to exercise of
34 religion, even if the burden results from a rule of general
35 applicability, unless it is demonstrated that applying the burden
36 to that person's exercise of religion in that particular instance
37 is both of the following:

38 (i) Essential to further a compelling governmental
39 interest;

40 (ii) The least restrictive means of furthering
41 that compelling governmental interest.

42 (b) A person whose exercise of religion has been
43 burdened or is likely to be burdened in violation of this section



44 may assert that violation or impending violation as a claim or
45 defense in a judicial proceeding, regardless of whether the state
46 or a political subdivision of the state is a party to the
47 proceeding. The person asserting that claim or defense may obtain
48 appropriate relief, including relief against the state or a
49 political subdivision of the state. Appropriate relief includes,
50 but is not limited to, injunctive relief, declaratory relief,
51 compensatory damages, and the recovery of costs and reasonable
52 attorney's fees.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2014.

