

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
(As Passed the Senate)

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; TO AMEND THE 1818 MISSISSIPPI LAWS, ACT OF JANUARY
5 19, 1818, PAGE 142, TO REVISE THE GREAT SEAL OF THE STATE OF
6 MISSISSIPPI; TO PROVIDE THAT STATE AGENCIES SHALL CONTINUE TO USE
7 STATIONERY AND OTHER SUPPLIES HAVING THE 1818 SEAL THEREON UNTIL
8 SUPPLIES OF SUCH ITEMS ARE DEPLETED; AND FOR RELATED PURPOSES.

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

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

12 (2) As used in this act:

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



20 (b) "Compelling governmental interest" means a
21 government interest of the highest magnitude that cannot otherwise
22 be achieved without burdening the exercise of religion.

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

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

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

42 (i) Essential to further a compelling governmental
43 interest;



44 (ii) The least restrictive means of furthering
45 that compelling governmental interest.

46 (b) A person whose exercise of religion has been
47 burdened or is likely to be burdened in violation of this section
48 may assert that violation or impending violation as a claim or
49 defense in a judicial proceeding, regardless of whether the state
50 or a political subdivision of the state is a party to the
51 proceeding. The person asserting that claim or defense may obtain
52 appropriate relief, including relief against the state or a
53 political subdivision of the state. Appropriate relief includes,
54 but is not limited to, injunctive relief, declaratory relief,
55 compensatory damages, and the recovery of costs and reasonable
56 attorney's fees.

57 **SECTION 2.** The 1818 Mississippi Laws, Act of January 19,
58 1818, Page 142, is amended as follows:

59 Section 1. Be it enacted by the Senate and the House of
60 Representatives of the State of Mississippi in General Assembly
61 convened, That it shall be the duty of the Secretary of State to
62 procure the seal of this state, the inscription of which shall be,
63 "THE GREAT SEAL OF THE STATE OF MISSISSIPPI," around the margin,
64 and in the center an eagle, with the olive branch and quiver of
65 arrows in his claws and below the eagle in the margin shall be the
66 phrase "IN GOD WE TRUST."

67 Section 2. And be it further enacted, That it shall be the
68 duty of the clerk of each superior court within this state, to



69 procure, at the county expense, a seal for the use of their
70 respective counties, with the name of the county around the
71 margin, and in the center an eagle.

72 **SECTION 3.** All state agencies shall continue to use
73 stationery and other supplies having the great seal of 1818
74 thereon until such stationary and other supplies are depleted.
75 The great seal of 1818 affixed on any public buildings or other
76 property shall remain thereon until the replacement of the seal
77 due to normal wear.

78 **SECTION 4.** This act shall take effect and be in force from
79 and after July 1, 2014.

