

## SENATE BILL No. 66

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-9-11; IC 34-13-9.

**Synopsis:** Civil rights. Defines certain provisions of the Constitution of the State of Indiana as "fundamental rights" and prohibits the government from substantially burdening a fundamental right unless the governmental entity demonstrates that the application of the burden to the person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest. (Repeals the religious freedom restoration act).

**Effective:** July 1, 2016.

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## Young R Michael, Boots, Banks

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January 5, 2016, read first time and referred to Committee on Judiciary.

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Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# SENATE BILL No. 66

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 22-9-11 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]:

4 **Chapter 11. Fundamental Rights**

5 **Sec. 1. In enacting this chapter, the general assembly finds and**  
6 **declares that it is the policy of this state to recognize, preserve, and**  
7 **protect the fundamental rights guaranteed to all citizens by the**  
8 **Constitution of the State of Indiana. Therefore, the general**  
9 **assembly finds and declares that it is the policy of this state that the**  
10 **people's fundamental constitutional rights be treated with the**  
11 **greatest deference by the courts, by the executive, and by the**  
12 **general assembly. The purpose of this chapter is to provide a**  
13 **concrete guarantee to the citizens of Indiana that their**  
14 **fundamental constitutional rights will be recognized, preserved,**  
15 **and protected.**

16 **Sec. 2. The following definitions apply throughout this chapter:**  
17 **(1) "Fundamental right" means the following:**



- 1 (A) The right to worship under Article 1, Section 2 of the  
 2 Constitution of the State of Indiana.  
 3 (B) The right to free exercise and enjoyment of religious  
 4 opinions and the right of conscience under Article 1,  
 5 Section 3 of the Constitution of the State of Indiana.  
 6 (C) The right to freedom of religion under Article 1,  
 7 Section 4 of the Constitution of the State of Indiana.  
 8 (D) The right to freedom of thought and speech under  
 9 Article 1, Section 9 of the Constitution of the State of  
 10 Indiana.  
 11 (E) The right of assemblage and petition under Article 1,  
 12 Section 31 of the Constitution of the State of Indiana.  
 13 (F) The right to bear arms under Article 1, Section 32 of  
 14 the Constitution of the State of Indiana.
- 15 (2) "Governmental entity" includes the whole or any part of  
 16 a branch, department, agency, instrumentality, official, or  
 17 other individual or entity acting under color of law of any of  
 18 the following:  
 19 (A) State government.  
 20 (B) A political subdivision (as defined in IC 36-1-2-13).  
 21 (C) An instrumentality of a governmental entity described  
 22 in clause (A) or (B), including a state educational  
 23 institution, a body politic, a body corporate and politic, or  
 24 any other similar entity established by law.
- 25 (3) "Person" means the following:  
 26 (A) An individual, including a group or association of  
 27 individuals.  
 28 (B) Any other legal entity.
- 29 **Sec. 3. A governmental entity may not substantially burden a**  
 30 **person's fundamental right unless the governmental entity**  
 31 **demonstrates that the application of the burden to the person:**  
 32 **(1) is in furtherance of a compelling governmental interest;**  
 33 **and**  
 34 **(2) is the least restrictive means of furthering that compelling**  
 35 **governmental interest.**
- 36 **Sec. 4. The inclusion of certain rights in this chapter is not**  
 37 **intended to affect in any way the rights not included in this**  
 38 **chapter.**
- 39 SECTION 2. IC 34-13-9 IS REPEALED [EFFECTIVE JULY 1,  
 40 2016]. (Religious Freedom Restoration).

