

## SENATE BILL No. 568

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-13-9.

**Synopsis:** Religious freedom restoration act. Provides that a state or local government action may not substantially burden a person's right to the exercise of religion unless it is demonstrated that applying the burden to the person's exercise of religion is: (1) essential to further a compelling governmental interest; and (2) the least restrictive means of furthering the compelling governmental interest. Provides that a person whose exercise of religion has been substantially burdened, or is likely to be substantially burdened, by a state or local government action may assert the burden as a claim or defense in a judicial proceeding, regardless of whether the state or a political subdivision of the state is a party to the judicial proceeding. Allows a person who asserts a burden as a claim or defense to obtain appropriate relief, including: (1) injunctive relief; (2) declaratory relief; (3) compensatory damages; and (4) recovery of court costs and reasonable attorney's fees.

**Effective:** Upon passage.

---

---

**Schneider, Kruse, Steele, Yoder,  
Buck, Banks A, Brown L, Smith J,  
Tomes, Walker**

---

---

January 20, 2015, read first time and referred to Committee on Judiciary.

---

---



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 568

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 34-13-9 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:  
4 **Chapter 9. Religious Freedom Restoration Act**  
5 **Sec. 1. (a) As used in this chapter, "burden" means an action**  
6 **that directly or indirectly:**  
7 **(1) constrains, inhibits, curtails, or denies the exercise of**  
8 **religion by a person; or**  
9 **(2) compels a person to take an action that is contrary to the**  
10 **person's exercise of religion.**  
11 **(b) The term includes:**  
12 **(1) withholding a benefit from a person;**  
13 **(2) assessing a criminal, a civil, or an administrative penalty**  
14 **against a person; or**  
15 **(3) excluding a person from a governmental program or**  
16 **denying a person access to a governmental facility.**



1           **Sec. 2.** As used in this chapter, "compelling governmental  
2 interest" means a governmental interest of the highest magnitude  
3 that cannot otherwise be achieved without burdening the exercise  
4 of religion.

5           **Sec. 3. (a)** As used in this chapter, "exercise of religion" means  
6 the practice or observance of religion.

7           **(b)** The term includes a person's ability to:

8           (1) act; or

9           (2) refuse to act;

10          in a manner that is substantially motivated by the person's  
11 sincerely held religious belief, regardless of whether the religious  
12 belief is compulsory or central to a larger system of religious belief.

13          **Sec. 4.** As used in this chapter, "person" means an individual, an  
14 association, a partnership, a limited liability company, a  
15 corporation, a church, a religious institution, an estate, a trust, a  
16 foundation, or any other legal entity.

17          **Sec. 5.** As used in this chapter, "state action" means:

18          (1) the implementation or application of a state or local law or  
19 policy; or

20          (2) the taking of any other action;

21          by the state or a political subdivision of the state.

22          **Sec. 6.** A state action, or an action taken by an individual based  
23 on state action, may not substantially burden a person's right to  
24 the exercise of religion, even if the burden results from a law or  
25 policy of general applicability, unless the state or political  
26 subdivision of the state demonstrates that applying the burden to  
27 the person's exercise of religion is:

28          (1) essential to further a compelling governmental interest;  
29 and

30          (2) the least restrictive means of furthering the compelling  
31 governmental interest.

32          **Sec. 7. (a)** A person whose exercise of religion:

33          (1) has been substantially burdened; or

34          (2) is likely to be substantially burdened;

35          by a violation of section 6 of this chapter may assert the violation,  
36 or impending violation, as a claim or defense in a judicial  
37 proceeding, regardless of whether the state or a political  
38 subdivision of the state is a party to the judicial proceeding.

39          **(b)** A person who asserts a claim or defense under subsection (a)  
40 may obtain appropriate relief from a violation, or an impending  
41 violation, of section 6 of this chapter, including relief against the  
42 state or a political subdivision of the state. Appropriate relief



1       **under this subsection includes any of the following:**  
2               **(1) Injunctive relief.**  
3               **(2) Declaratory relief.**  
4               **(3) Compensatory damages.**  
5               **(4) Recovery of court costs and reasonable attorney's fees.**  
6       **SECTION 2. An emergency is declared for this act.**

