

House File 861

H-1384

1 Amend House File 861 as follows:

2 1. Page 21, after line 30 by inserting:

3 <DIVISION ____

4 EXERCISE OF RELIGION

5 Sec. ____ . NEW SECTION. 675.1 Short title.

6 This chapter shall be known and may be cited as the
7 *“Religious Freedom Restoration Act”*.

8 Sec. ____ . NEW SECTION. 675.2 Legislative purpose and
9 intent.

10 The purpose and intent of this chapter is all of the
11 following:

12 1. To restore the compelling interest test as set forth
13 in *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v.*
14 *Yoder*, 406 U.S. 205 (1972), and to guarantee its application in
15 all cases where the free exercise of religion is substantially
16 burdened by state action.

17 2. That this chapter be interpreted consistent with the
18 Religious Freedom Restoration Act of 1993, 42 U.S.C. §2000bb et
19 seq., federal case law, and federal jurisprudence.

20 3. To provide a claim or defense to a person whose exercise
21 of religion is substantially burdened by state action.

22 Sec. ____ . NEW SECTION. 675.3 Definitions.

23 As used in this chapter, unless the context otherwise
24 requires:

25 1. *“Demonstrates”* means meets the burdens of going forward
26 with the evidence and of persuasion.

27 2. *“Exercise of religion”* means the practice or observance
28 of religion, including any action that is motivated by a
29 sincerely held religious belief, whether or not the exercise is
30 compelled by, or central to, a system of religious belief.

31 3. *“Government”* includes a branch, department, agency,
32 instrumentality, political subdivision, official, or other
33 person acting under color of law of the state.

34 4. *“State law”* includes without limitation a law, ordinance,
35 or resolution of a political subdivision.

1 Sec. _____. NEW SECTION. **675.4 Free exercise of religion**
2 **protected.**

3 1. Government shall not substantially burden a person's
4 exercise of religion, even if the burden results from a rule
5 of general applicability, unless it is demonstrated that
6 applying the burden to that person's exercise of religion is
7 in furtherance of a compelling governmental interest and is
8 the least restrictive means of furthering that compelling
9 governmental interest.

10 2. A person whose exercise of religion has been burdened
11 in violation of this chapter may assert such violation as a
12 claim or defense in a judicial or administrative proceeding
13 and obtain appropriate relief. Standing to assert a claim or
14 defense under this chapter shall be governed by the general
15 rules of standing under state and federal law.

16 Sec. _____. NEW SECTION. **675.5 Applicability.**

17 This chapter applies to all state and local laws and the
18 implementation of state and local laws, whether statutory
19 or otherwise, and whether adopted before, on, or after the
20 effective date of this Act.

21 Sec. _____. NEW SECTION. **675.6 Exemptions.**

22 This chapter does not apply to the department of
23 corrections, a district department of correctional services, a
24 county jail, or any other detention facility.

25 Sec. _____. EFFECTIVE UPON ENACTMENT. This division of this
26 Act, being deemed of immediate importance, takes effect upon
27 enactment.>

28 2. Title page, line 1, after <system> by inserting <and
29 including effective date provisions>

30 3. By renumbering as necessary.

SALMON of Black Hawk

CISNEROS of Muscatine

BAXTER of Hancock

FISHER of Tama

JENEARY of Plymouth

BODEN of Warren

STONE of Winnebago

OSMUNDSON of Clayton

GERHOLD of Benton

SHIPLEY of Van Buren

JACOBSEN of Pottawattamie