House Study Bill 677 - Introduced

A BILL FOR

1 An Act prohibiting the burdening of a person's free exercise of
2 religion by governmental entities, officials, and employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1   Section 1. NEW SECTION. **27D.1 Free exercise of religion ——**
2 **government burdening prohibited.**
3   1. Notwithstanding any other provision of law, a state
4 agency, political subdivision, or any elected or appointed
5 official or employee of this state or its political
6 subdivisions shall not do any of the following:
7   *a.* Treat religious conduct more restrictively than
8 comparable secular conduct because of alleged economic need or
9 benefit.
10   *b.* Treat religious conduct more restrictively than any
11 secular conduct of reasonably comparable risk.
12   2. Any person whose exercise of religion has been burdened
13 in violation of this chapter may file an action for damages,
14 injunctive relief, or other appropriate redress, or may assert
15 such violation as a defense in a judicial or administrative
16 proceeding. The plaintiff, if the prevailing party, may also
17 recover reasonable attorney fees and costs.
18   Sec. 2. Section 331.301, subsection 1, Code 2022, is amended
19 to read as follows:
20   1. A county may, except as expressly limited by the
21 Constitution of the State of Iowa, and if not inconsistent
22 with the laws of the general assembly, exercise any power
23 and perform any function it deems appropriate to protect
24 and preserve the rights, privileges, and property of the
25 county or of its residents, and to preserve and improve the
26 peace, safety, health, welfare, comfort, and convenience
27 of its residents. This grant of home rule powers does not
28 include the power to enact private or civil law governing
29 civil relationships, except as incident to an exercise of an
30 independent county power, or to enact private or civil law
31 which violates section 27D.1.
32   Sec. 3. Section 364.1, Code 2022, is amended to read as
33 follows:
34   **364.1 Scope.**
35   A city may, except as expressly limited by the Constitution

1 of the State of Iowa, and if not inconsistent with the laws

2 of the general assembly, exercise any power and perform

3 any function it deems appropriate to protect and preserve

4 the rights, privileges, and property of the city or of its

5 residents, and to preserve and improve the peace, safety,

6 health, welfare, comfort, and convenience of its residents.

7 This grant of home rule powers does not include the power

8 to enact private or civil law governing civil relationships,

9 except as incident to an exercise of an independent city power,

10 or to enact private or civil law which violates section 27D.1.

11   EXPLANATION

12   The inclusion of this explanation does not constitute agreement with

13   the explanation's substance by the members of the general assembly.

14   This bill prohibits a governmental entity from burdening

15 a person's free exercise of religion. The bill prohibits

16 governmental entities from treating religious conduct more

17 restrictively than any secular conduct of reasonably comparable

18 risk or treating religious conduct more restrictively than

19 comparable secular conduct because of alleged economic need or

20 benefit.

21   The bill provides that a person whose free exercise of

22 religion has been burdened in violation of the bill may

23 assert that violation as a claim or defense in a judicial or

24 administrative proceeding, and provides that the governmental

25 entity may be liable for actual damages, attorney fees, costs,

26 and other appropriate remedies. The bill also allows the

27 person to obtain injunctive relief against the governmental

28 entity.

29   The bill prohibits a county or city from enacting a private

30 or civil law that would burden a person's free exercise of

31 religion.