

SENATE BILL NO. 235

February 3, 1999, Introduced by Senators DINGELL and CHERRY and referred to the Committee on Government Operations.

A bill to prohibit the state or a political subdivision of the state from imposing a substantial burden on a person's exercise of religion unless the state or political subdivision of the state demonstrates a compelling governmental interest in imposing that burden; and to provide a claim or defense to persons whose exercise of religion is substantially burdened by the state or a political subdivision of the state.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Exercise of religion" means a practice protected by
3 section 4 of article I of the state constitution of 1963.

4 (b) "State or a political subdivision of the state" means
5 this state or a county, township, city, or village in this
6 state.

1 Sec. 2. The state or a political subdivision of this state
2 shall not impose a substantial burden on a person's exercise of
3 religion unless it establishes by clear and convincing evidence
4 both of the following:

5 (a) The burden is necessary to advance a compelling govern-
6 mental interest.

7 (b) The burden is the least restrictive means of furthering
8 the compelling governmental interest described in subdivision
9 (a).

10 Sec. 3. A person who alleges a violation of section 2 may
11 assert that violation as a claim or defense in a judicial pro-
12 ceeding, and may obtain equitable or other relief against the
13 state or political subdivision of the state for that violation.