



# HOUSE BILL No. 5679

April 25, 2000, Introduced by Reps. DeWeese, Gosselin, Kuipers, Birkholz, Bradstreet, Shackleton, Garcia, Voorhees, Gilbert, Van Woerkom, Ehardt and Richardville and referred to the Committee on Constitutional Law and Ethics.

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; 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; and to provide remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "Michigan religious freedom restoration act".

3       Sec. 2. As used in this act:

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

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

1           Sec. 3. 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. 4. A person, other than an individual lawfully impris-  
11 oned in a county jail or a state correctional facility, who  
12 alleges a violation of section 3 may assert that violation as a  
13 claim or defense in a judicial proceeding, and may obtain equita-  
14 ble or other relief against the state or political subdivision of  
15 the state for that violation. In a proceeding under this act, a  
16 court may award all or a portion of the costs of litigation,  
17 including reasonable attorney fees, to a person who prevails in a  
18 judicial proceeding against the state or a political subdivision  
19 of this state.