

SENATE BILL No. 66

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-9-11; IC 34-13-9.

Synopsis: Civil rights. Defines certain provisions of the Constitution of the State of Indiana as "fundamental rights" and prohibits the government from substantially burdening a fundamental right unless the governmental entity demonstrates that the application of the burden to the person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest. (Repeals the religious freedom restoration act).

Effective: July 1, 2016.

Young R Michael, Boots, Banks

January 5, 2016, read first time and referred to Committee on Judiciary.



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 2015 Regular Session of the General Assembly.

SENATE BILL No. 66

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 22-9-11 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]:

4 **Chapter 11. Fundamental Rights**

5 **Sec. 1. In enacting this chapter, the general assembly finds and**
6 **declares that it is the policy of this state to recognize, preserve, and**
7 **protect the fundamental rights guaranteed to all citizens by the**
8 **Constitution of the State of Indiana. Therefore, the general**
9 **assembly finds and declares that it is the policy of this state that the**
10 **people's fundamental constitutional rights be treated with the**
11 **greatest deference by the courts, by the executive, and by the**
12 **general assembly. The purpose of this chapter is to provide a**
13 **concrete guarantee to the citizens of Indiana that their**
14 **fundamental constitutional rights will be recognized, preserved,**
15 **and protected.**

16 **Sec. 2. The following definitions apply throughout this chapter:**
17 **(1) "Fundamental right" means the following:**



- 1 **(A) The right to worship under Article 1, Section 2 of the**
 2 **Constitution of the State of Indiana.**
 3 **(B) The right to free exercise and enjoyment of religious**
 4 **opinions and the right of conscience under Article 1,**
 5 **Section 3 of the Constitution of the State of Indiana.**
 6 **(C) The right to freedom of religion under Article 1,**
 7 **Section 4 of the Constitution of the State of Indiana.**
 8 **(D) The right to freedom of thought and speech under**
 9 **Article 1, Section 9 of the Constitution of the State of**
 10 **Indiana.**
 11 **(E) The right of assemblage and petition under Article 1,**
 12 **Section 31 of the Constitution of the State of Indiana.**
 13 **(F) The right to bear arms under Article 1, Section 32 of**
 14 **the Constitution of the State of Indiana.**
 15 **(2) "Governmental entity" includes the whole or any part of**
 16 **a branch, department, agency, instrumentality, official, or**
 17 **other individual or entity acting under color of law of any of**
 18 **the following:**
 19 **(A) State government.**
 20 **(B) A political subdivision (as defined in IC 36-1-2-13).**
 21 **(C) An instrumentality of a governmental entity described**
 22 **in clause (A) or (B), including a state educational**
 23 **institution, a body politic, a body corporate and politic, or**
 24 **any other similar entity established by law.**
 25 **(3) "Person" means the following:**
 26 **(A) An individual, including a group or association of**
 27 **individuals.**
 28 **(B) Any other legal entity.**
 29 **Sec. 3. A governmental entity may not substantially burden a**
 30 **person's fundamental right unless the governmental entity**
 31 **demonstrates that the application of the burden to the person:**
 32 **(1) is in furtherance of a compelling governmental interest;**
 33 **and**
 34 **(2) is the least restrictive means of furthering that compelling**
 35 **governmental interest.**
 36 **Sec. 4. The inclusion of certain rights in this chapter is not**
 37 **intended to affect in any way the rights not included in this**
 38 **chapter.**
 39 **SECTION 2. IC 34-13-9 IS REPEALED [EFFECTIVE JULY 1,**
 40 **2016]. (Religious Freedom Restoration).**

