

RELIGIOUS LIBERTY RECOGNITION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill reinforces the religious liberty protections afforded by the United States and Utah constitutions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the state and political subdivisions of the state from taking certain actions that would burden a person's free exercise of religion unless certain conditions exist;
- and
- ▶ provides judicial relief and attorney fees.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

- 63G-12-101**, Utah Code Annotated 1953
- 63G-12-102**, Utah Code Annotated 1953
- 63G-12-103**, Utah Code Annotated 1953
- 63G-12-104**, Utah Code Annotated 1953



28 **63G-12-105**, Utah Code Annotated 1953

29 **63G-12-106**, Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **63G-12-101** is enacted to read:

33 **CHAPTER 12. RELIGIOUS LIBERTY RECOGNITION AND PROTECTION ACT**

34 **63G-12-101. Title.**

35 This chapter is known as the "Religious Liberty Recognition and Protection Act."

36 Section 2. Section **63G-12-102** is enacted to read:

37 **63G-12-102. Definitions.**

38 As used in this chapter:

39 (1) "Civil capacities" means the natural, constitutional, and statutory rights and
40 freedoms of persons and the lawful activities and exercise of those rights and freedoms in
41 relation to others.

42 (2) "Goods" means property or economic interests and activities.

43 (3) "Religious liberty" means the free exercise of religion and freedom of conscience,
44 including acts or refusals to act that are substantially motivated by sincerely held religious
45 principles and beliefs.

46 Section 3. Section **63G-12-103** is enacted to read:

47 **63G-12-103. Prohibitions on state and local governments.**

48 Except in the most limited instances when strictly necessary to avoid the gravest abuse
49 of a constitutional right and more paramount public interest and subject to the provisions of
50 Section 63G-12-104, the state or a political subdivision of the state may not:

51 (1) infringe or substantially burden a person's religious liberty, including compel,
52 restrain, or burden a person in their goods and civil capacities; or

53 (2) restrict or deny freedom of religious speech and the free expression of religious and
54 moral beliefs in public.

55 Section 4. Section **63G-12-104** is enacted to read:

56 **63G-12-104. Compelling state interest.**

57 (1) Religious liberty is substantially burdened when a person is coerced or required to
58 act or significantly modify behavior contrary to sincerely held religious beliefs and principles

59 and freedom of conscience.

60 (2) The state or a political subdivision of the state may not substantially burden a
61 person's religious liberty unless the state or political subdivision can demonstrate by clear and
62 convincing evidence:

63 (a) that the application of the burden to the person is:

64 (i) in furtherance of a compelling state interest required to protect the peace, health,
65 and safety of the state; and

66 (ii) strictly necessary to avoid the gravest abuses endangering a constitutionally
67 recognized and more paramount interest; and

68 (b) that there are no other means reasonably available to achieve such ends.

69 Section 5. Section **63G-12-105** is enacted to read:

70 **63G-12-105. Judicial relief.**

71 (1) Subject to the provisions of Section 63G-12-104, the free exercise of religious
72 liberty is a recognized exemption to otherwise generally applicable laws and a valid defense to
73 claims of discrimination by others.

74 (2) A person whose religious liberty has been substantially burdened in violation of
75 this section may obtain appropriate relief in a judicial proceeding including recovery of
76 attorney fees and costs as may be awarded by the courts.

77 Section 6. Section **63G-12-106** is enacted to read:

78 **63G-12-106. Protections afforded.**

79 The rights and protections of religious liberty afforded by this chapter are in addition to
80 those provided under the constitutions of this state and the United States.

Legislative Review Note
as of 2-2-11 9:49 AM

Office of Legislative Research and General Counsel