
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 678 (as introduced 9-24-97)
Sponsor: Senator Dale L. Shugars
Committee: Judiciary

Date Completed: 12-1-97

CONTENT

The bill would create a new act to provide that the State or a political subdivision of the State (a county, township, city, or village) could not impose a substantial burden on a person's exercise of religion unless it established by clear and convincing evidence both of the following:

- The burden was necessary to advance a compelling government interest.
- The burden was the least restrictive means of furthering the compelling government interest.

A person who alleged a violation of the bill could assert that violation as a claim or defense in a judicial proceeding, and could obtain equitable or other relief against the State or political subdivision for that violation.

The bill would define "exercise of religion" as a practice protected by Article 1, Section 4 of the State Constitution. (Article 1, Section 4 provides, "Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion... The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.")

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government. The impact and number of cases in the future based on religious freedom cannot be estimated.

Before the Federal Religious Freedom Restoration Act was declared unconstitutional, the State defended over 80 cases filed by prisoners under the Federal Act.

Fiscal Analyst: B. Bowerman

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