
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4376 (as passed by the House)
Sponsor: Representative Kirk Profit
House Committee: Constitutional and Civil Rights
Senate Committee: Judiciary

Date Completed: 11-12-97

CONTENT

The bill would create the "Michigan Religious Freedom Restoration 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, other than an individual lawfully imprisoned in a penal or correctional institution in this State, 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 the violation. A court also could award all or part of the costs of litigation, including reasonable attorneys fees, to a prevailing plaintiff.

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 future cases based on religious freedom cannot be estimated.

Fiscal Analyst: B. Bowerman

S9798\S678SA

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.