

H.B. 4376

(as amended July 3, 1997)

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 unless the state or political subdivision of the state demonstrates a compelling governmental interest in imposing that burden; and 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.

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

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

1       Sec. [2]. As used in this act:

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

4       (b) "State or a political subdivision of the state" means  
5 this state or a county, township, city, or village in this  
6 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  
imprisoned in a penal or correctional institution in this state,]  
who alleges a violation of section [3] may  
11 assert that violation as a claim or defense in a judicial pro-  
12 ceeding, and may obtain equitable or other relief against the  
13 state or political subdivision of the state for that violation. [A  
court may award all or a portion of the costs of litigation,  
including reasonable attorneys fees, to a prevailing plaintiff.]