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“MICHIGAN RELIGIOUS FREEDOM RESTORATION ACT”

House Bill 5679

Sponsor: Rep. Paul N. DeWeese

Committee: Constitutional Law and Ethics

Complete to 8-16-00

A SUMMARY OF HOUSE BILL 5679 AS INTRODUCED 4-25-00

The bill would create a new act to prohibit the state or local governments from imposing a “substantial burden” on a person’s exercise of religion unless the government established by “clear and convincing” evidence both that the burden were necessary to advance a “compelling governmental interest” and that the burden were the “least restrictive means” of furthering that compelling governmental interest. The bill would define “exercise of religion” to mean a practice protected by the state constitution. (Article I, Section 4 of the constitution says that *“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 pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.”*)

Except for inmates lawfully imprisoned in county jails or state correctional facilities, 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 local government for that violation. In a proceeding under the bill, a court could award all or a portion of the cost of litigation, including reasonable attorney fees, to a person who prevailed in a judicial proceeding against the state or a local government.

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.