HOUSE BILL NO. HB0083


Sponsored by: Representative(s) Winters and Steinmetz and Senator(s) Dockstader

A BILL

for

1 AN ACT relating to religious freedom; creating a Religious Freedom Restoration Act; providing definitions; limiting specified governmental actions that burden religious freedom as specified; authorizing claims and defenses against governmental action that burden religious freedom as specified; providing for severability of the act; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 1-35-201 through 1-35-205 are created to read:

ARTICLE 2

RELIGIOUS FREEDOM RESTORATION ACT

This act shall be known and may be cited as the "Religious Freedom Restoration Act."


(a) As used in this act:

(i) "Burden" means any action that directly or indirectly constrains, inhibits, curtails or denies the exercise of religion or moral conscience by any individual contrary to an individual's exercise of religion, including, but not limited to:

(A) Withholding of benefits;

(B) Assessing criminal, civil or administrative penalties;
(C) Exclusion from governmental programs;

or

(D) Denial of access to governmental facilities.

(ii) "Exercise of religion" means the practice or observance of religion, including an act or refusal to act, that is substantially motivated by a sincerely held religious belief, whether or not compelled by or central to a system of religious belief;

(iii) "Government" means any department, agency, division, board, bureau, commission, council, authority, employee, official or other entity of this state or a political subdivision of this state, or a person acting under color of state law;

(iv) "Moral conscience" means an individual exercise of judgment whereby the person recognizes the moral or ethical quality of an act and is compelled to:
(A) Perform the act because it is an act of good will or faith; or

(B) Avoid performing the act because the person believes the act to be evil or wrong.

(v) "This act" means W.S. 1-35-201 through 1-35-206.

1-35-203. Limitation on government action; exception.

(a) Except as provided in subsection (b) of this section, government action, including action by anyone acting under color of state law, shall not burden a person's right to the exercise of religion or moral conscience, even if the burden results from a rule of general applicability.

(b) Government may substantially burden a person's exercise of religion or moral conscience only if it demonstrates that application of the burden to that person's exercise of religion or moral conscience in that particular instance is:
(i) Essential to further a compelling government interest; and

(ii) The least restrictive means of furthering that compelling governmental interest.

(c) Nothing in this act shall be construed to allow or authorize a government employee or official from refusing to perform any of the duties or responsibilities which are required of that person's position or office, regardless of the person's religious or moral objections.

1-35-204. Claims and defenses

A person whose exercise of religion or moral conscience has been burdened in violation of this act may assert that violation as a claim or defense in any judicial or administrative proceeding and obtain appropriate relief, including equitable relief, against the government or person acting under color of state law.

1-35-205. Provisions to be liberally construed.
(a) This act shall be liberally construed in favor of the broad interpretation of the exercise of religious and moral conscience to the maximum extent permitted by this act and the Wyoming constitution and the United States constitution.

(b) Nothing in this act shall be construed to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state or its laws which protect the health and safety of the public.

Section 2. If any provision of this act or any application of any provision of this act to any person or circumstances is held to be unconstitutional, the remaining provisions of this act and the application of the remaining provisions of this act to any other person or circumstance shall not be affected.

Section 3. This act is effective July 1, 2015.