

## HOUSE BILL NO. HB0083

Religious Freedom Restoration Act.

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

A BILL

for

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

8

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

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

13

14

ARTICLE 2

15

RELIGIOUS FREEDOM RESTORATION ACT

1

2           **1-35-201. Religious Freedom Restoration Act; short**  
3 **title.**

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

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8           **1-35-202. Definitions.**

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10           (a) As used in this act:

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

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18                           (A) Withholding of benefits;

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20                           (B) Assessing criminal, civil or  
21 administrative penalties;

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1                   (C) Exclusion from governmental programs;  
2 or

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4                   (D) Denial of access to governmental  
5 facilities.

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

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

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19                   (iv) "Moral conscience" means an individual  
20 exercise of judgment whereby the person recognizes the  
21 moral or ethical quality of an act and is compelled to:

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1                   (A) Perform the act because it is an act of  
2 good will or faith; or

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

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7                   (v) "This act" means W.S. 1-35-201 through  
8 1-35-206.

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10           **1-35-203. Limitation on government action; exception.**

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

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19           (b) Government may substantially burden a person's  
20 exercise of religion or moral conscience only if it  
21 demonstrates that application of the burden to that  
22 person's exercise of religion or moral conscience in that  
23 particular instance is:

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2 (i) Essential to further a compelling government  
3 interest; and

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

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8 **1-35-204. Claims and defenses; costs; attorney's**  
9 **fees.**

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

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18 (b) A court may award all or a portion of the costs  
19 of litigation under this section, including reasonable  
20 attorney's fees, to a person who prevails against the  
21 government or a person acting under color of state law.

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23 **1-35-205. Provisions to be liberally construed.**

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2 (a) This act shall be liberally construed in favor of  
3 the broad interpretation of the exercise of religious and  
4 moral conscience to the maximum extent permitted by this  
5 act and the Wyoming constitution and the United States  
6 constitution.

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

12

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

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

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22

(END)