

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 530

By: Brecheen

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5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Religious Freedom  
8 Act; amending 51 O.S. 2011, Sections 252 and 253,  
9 which relate to definitions and burden upon free  
10 exercise of religion; modifying definitions;  
11 authorizing certain action; authorizing certain  
12 relief; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 51 O.S. 2011, Section 252, is  
15 amended to read as follows:

16 Section 252. In this act:

17 1. "Demonstrates" means the burdens of going forward with the  
18 evidence and of persuasion under the standard of clear and  
19 convincing evidence are met;

20 2. "Exercise of religion" means the practice, observance and  
21 exercise of religion under Article 1, Section 2, of the Constitution  
22 of the State of Oklahoma, the Oklahoma Religious Freedom Act, and  
23 the First Amendment to the Constitution of the United States. It  
24 includes, but is not limited to, the ability to act or refuse to act  
in a manner substantially motivated by one's sincerely held

1 religious belief, whether or not the exercise is compulsory or  
2 central to a larger system of religious belief;

3 3. "Fraudulent claim" means a claim that is dishonest in fact  
4 or that is made principally for a patently improper purpose, such as  
5 to harass the opposing party;

6 4. "Frivolous claim" means a claim which lacks merit under  
7 existing law and which cannot be supported by a good faith argument  
8 for the extension, modification, or reversal of existing law or the  
9 establishment of new law;

10 5. "Governmental entity" means any branch, department, agency,  
11 or instrumentality of state government, or any official or other  
12 person acting under color of state law, or any political subdivision  
13 of this state;

14 6. "Prevails" means to obtain prevailing party status as  
15 defined by courts construing the federal Civil Rights Attorney's  
16 Fees Awards Act of 1976, 42 U.S.C. § 1988; and

17 7. "Substantially burden" means to ~~inhibit or curtail~~  
18 ~~religiously motivated practice~~ directly or indirectly constrain,  
19 inhibit, curtail or deny the exercise of religion by any person or  
20 compel any action contrary to a person's exercise of religion and  
21 includes, but is not limited to, withholding benefits, assessing  
22 criminal, civil or administrative penalties or excluding from  
23 governmental programs or access to governmental facilities.  
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1 SECTION 2. AMENDATORY 51 O.S. 2011, Section 253, is  
2 amended to read as follows:

3 Section 253. A. Except as provided in subsection B of this  
4 section, no governmental entity shall substantially burden a  
5 person's free exercise of religion even if the burden results from a  
6 rule of general applicability.

7 B. No governmental entity shall substantially burden a person's  
8 free exercise of religion unless it demonstrates that application of  
9 the burden to the person is:

- 10 1. Essential to further a compelling governmental interest; and
- 11 2. The least restrictive means of furthering that compelling  
12 governmental interest.

13 C. A person whose exercise of religion has been substantially  
14 burdened or is likely to be substantially burdened in violation of  
15 this act may assert such violation or impending violation as a claim  
16 or defense in a judicial proceeding, regardless of whether the state  
17 or a political subdivision is a party to the proceeding. The person  
18 asserting such a claim or defense may obtain appropriate relief,  
19 including relief against the state or its political subdivisions.  
20 Appropriate relief includes, but is not limited to, injunctive or  
21 declaratory relief, compensatory damages and attorney fees and  
22 costs.

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1 SECTION 3. This act shall become effective November 1, 2017.

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