

HOUSE BILL No. 2260

By Committee on Judiciary

Proposed Amendment to HB 2260
For Committee on Judiciary
February 20, 2012
Prepared by: Office of Revisor of Statutes

1 AN ACT concerning civil procedure; relating to exercise of religion.

2 *Be it enacted by the Legislature of the State of Kansas:*

3 Section 1. As used in the Kansas preservation of religious freedom
4 act:

5 (a) "Burden" means any government action that directly or
6 indirectly constrains, inhibits, curtails or denies the exercise of religion by
7 any person or compels any action contrary to a person's exercise of
8 religion, and includes, but is not limited to, withholding benefits,
9 assessing criminal, civil or administrative penalties, or exclusion from
10 government programs or access to government facilities.

11 (b) (1) "Compelling governmental interest" includes, but is not
12 limited to:

13 (A) Any penological rules and regulations which are established by
14 a jail or correctional institution to protect the safety and security of
15 incarcerated persons, staff or visitors or to maintain good order and
16 discipline in any jail or correctional institution; and

17 (B) protecting the welfare of a child from ~~all forms of cruelty,~~
18 ~~neglect, degradation and inhumanity.~~

19 (2) "Compelling governmental interest" shall not include prohibition
20 of a practice or policy of discrimination against individuals in
21 employment relations, in access to free and public accommodations or in
22 housing, except as set forth in K.S.A. 44-1001 et seq., and amendments
23 thereto, and the laws and constitution of the United States.

24 (c) "Exercise of religion" means the practice or observance of
25 religion under section 7 of the bill of rights of the constitution of the state
26 of Kansas and the first amendment to the constitution of the United States
27 and includes the right to act or refuse to act in a manner substantially
28 motivated by a sincerely-held religious tenant or belief, whether or not
29 the exercise is compulsory or a central part or requirement of the person's
30 religious tenants or beliefs.

31 (d) "Fraudulent claim" means a claim that is dishonest in fact or that
32 is made principally for a patently improper purpose, such as to harass the
33 opposing party.

34 (e) "Government" includes the executive, legislative and judicial
35 branches and any and all agencies, boards, commissions, departments,
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abuse and neglect as defined by state law

free exercise clause of the