

Regular Session, 2009

HOUSE BILL NO. 340

BY REPRESENTATIVES HENRY, ARMES, BALDONE, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CHANDLER, CROMER, DOVE, DOWNS, ERNST, FANNIN, GEYMANN, GISCLAIR, GREENE, GUINN, HARRISON, HAZEL, HOFFMANN, KLECKLEY, LABRUZZO, LAMBERT, LIGI, LITTLE, MILLS, PONTI, POPE, PUGH, RICHARD, RICHARDSON, SCHRODER, SMILEY, GARY SMITH, JANE SMITH, TALBOT, WADDELL, AND WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RELIGIOUS ORGANIZATIONS: (Constitutional Amendment) Provides relative to the freedom of religion

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

A JOINT RESOLUTION

Proposing to amend Article I, Section 8 of the Constitution of Louisiana, relative to freedom of religion; to prohibit government infringement of the right of every person to freely express his religious belief; to provide that the right shall not be burdened without the showing of a compelling governmental interest; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article I, Section 8 of the Constitution of Louisiana, to read as follows:

§8. Freedom of Religion

Section 8. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof. No person acting under color of law shall burden the free exercise of religion, even if the burden results from a rule of general applicability, unless the government proves that it has a compelling governmental interest in infringing upon the specific expression, act, or refusal to act at issue, and that there is no other less burdensome alternative. The free exercise of religion shall

1        include the right of every person to freely express his sincerely held religious belief  
 2        and to engage in or refrain from activity based on a sincerely held religious belief.  
 3        A burden shall include, but not be limited to a direct burden as well as an indirect  
 4        burden such as withholding benefits, assessing penalties, or exclusion from  
 5        professions, programs, or facilities.

6        Section 2. Be it further resolved that this proposed amendment shall be submitted  
 7        to the electors of the state of Louisiana at the statewide election to be held on November 2,  
 8        2010.

9        Section 3. Be it further resolved that on the official ballot to be used at said election  
 10       there shall be printed a proposition, upon which the electors of the state shall be permitted  
 11       to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall  
 12       read as follows:

13                To prohibit government infringement of the right of every person to freely  
 14                express his sincerely held religious belief without the showing of a  
 15                compelling governmental interest in infringing the specific expression, act,  
 16                or refusal to act. (Amends Article I, Section 8)

---

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Henry

HB No. 340

**Abstract:** Prohibits government infringement of the right of every person to freely exercise his religion without the showing of a compelling governmental interest.

Present constitution provides that no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

Proposed law provides that no person acting under color of law shall burden the free exercise of religion.

Proposed constitution provides that freedom of religion shall not be burdened unless the government proves that it has a compelling governmental interest in infringing the specific expression, act, or refusal to act, and that there is no other less burdensome alternative.

Proposed constitution provides that the free exercise of religion includes the right of every person to freely express his sincerely held religious belief and to engage in or refrain from activity based on a sincerely held religious belief.

Proposed constitution provides that a burden includes direct burdens as well as indirect burdens such as withholding benefits, assessing penalties, or exclusion from professions, programs, or facilities.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. I, §8)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Adds language specifying that no law shall prohibit any religious belief.
2. Adds language specifying that no person under color of law shall burden the free exercise of religion.

House Floor Amendments to the engrossed bill.

1. Reinserts present constitutional language specifically protecting the free exercise of religion.