

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE STATE AND LOCAL GOVERNMENTS
5 MAY NOT BURDEN A PERSON'S FREE EXERCISE OF RELIGION WITHOUT DEMONSTRATING BY CLEAR
6 AND CONVINCING EVIDENCE THAT THE BURDEN IS ESSENTIAL TO FURTHER A COMPELLING
7 GOVERNMENT INTEREST AND IS THE LEAST RESTRICTIVE MEANS OF FURTHERING THAT INTEREST;
8 AND PROVIDING FOR LEGAL PROCEEDINGS TO PROTECT THAT PROHIBITION AND FOR AN AWARD
9 OF COSTS AND ATTORNEY FEES."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 NEW SECTION. **Section 1. Protection of free exercise of religion.** (1) The state may not, by
14 statute or administrative rule, a local government may not by ordinance or resolution, and a state or local
15 government agency or entity may not in the implementation or administration of a statute, administrative
16 rule, ordinance, or resolution, burden a person's free exercise of religion without demonstrating by clear
17 and convincing evidence that the burden is essential to further a compelling government interest and is
18 the least restrictive means of furthering that interest.

19 (2) A violation of this section may be asserted in a claim for declaratory or injunctive relief or for
20 compensatory damages. A prevailing claimant is entitled to recover costs and reasonable attorney fees.
21 Costs and reasonable attorney fees may be awarded against a claimant found by the court to have made
22 a claim that is completely lacking in merit.

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