

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

Session of 2011

**HOUSE BILL No. 2260**

By Committee on Judiciary

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  
5 act:

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

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

14 (A) Any penological rules and regulations which are established by  
15 a jail or correctional institution to protect the safety and security of  
16 incarcerated persons, staff or visitors or to maintain good order and  
17 discipline in any jail or correctional institution; and  
18 (B) protecting the welfare of a child from all forms of cruelty,  
19 neglect, degradation and inhumanity.

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

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

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

35 (e) "Government" includes the executive, legislative and judicial  
36 branches and any and all agencies, boards, commissions, departments,

includes the

Strike "except"

"Compelling governmental interest"  
shall not include any additional  
prohibitions not set forth in such laws.