STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1371 By: Strohm

AS INTRODUCED

An Act relating to the Oklahoma Religious Freedom Act; amending 51 O.S. 2011, Section 252, which relates to definitions; adding certain definition; prohibiting state or subdivision from making certain claim under certain action; providing for codification; and providing an effective date.

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

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

Section 252. In ~~this act~~ the Oklahoma Religious Freedom Act:

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

2. "Exercise of religion" means the exercise of religion under Article 1, Section 2, of the Constitution of the State of Oklahoma, the Oklahoma Religious Freedom Act, and the First Amendment to the Constitution of the United States;

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

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

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

6. "Person" means a natural or juridical person, including but not limited to unincorporated nonprofit associations;

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

~~7.~~ 8. "Substantially burden" means to inhibit or curtail religiously motivated practice.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 255A of Title 51, unless there is created a duplication in numbering, reads as follows:

In any action brought under the Oklahoma Religious Freedom Act, neither the State of Oklahoma nor any subdivision thereof shall be entitled to claim a governmental interest which purports to require

any person to participate in any marriage ceremony, celebration, or other related activity or to provide items or services for such purposes against the person's religious beliefs.

SECTION 3. This act shall become effective November 1, 2015.

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