

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1887

By: Williams

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5
6 AS INTRODUCED

7 An Act relating to officers; amending 51 O.S. 2011,
8 Section 252, which relates to the Oklahoma Religious
9 Freedom Act; modifying definition; amending 51 O.S.
10 2011, Section 253, which relates to the free exercise
of religion; prohibiting any governmental entity from
closing any place of worship; and providing an
effective date.

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

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

15 Section 252. In this act:

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

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

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

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

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

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

15 7. "Substantially burden" means to inhibit or curtail
16 religiously motivated practice and includes, but is not limited to,
17 prohibiting or limiting religious gatherings.

18 SECTION 2. AMENDATORY 51 O.S. 2011, Section 253, is
19 amended to read as follows:

20 Section 253. A. Except as provided in subsection B of this
21 section, no governmental entity shall substantially burden a
22 person's free exercise of religion even if the burden results from a
23 rule of general applicability.

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1 B. No governmental entity shall substantially burden a person's
2 free exercise of religion unless it demonstrates that application of
3 the burden to the person is:

4 1. Essential to further a compelling governmental interest; and

5 2. The least restrictive means of furthering that compelling
6 governmental interest.

7 C. No governmental entity shall issue any order or rule that
8 requires closure of any place of worship entitled to the religious
9 exemption found in Section 501(c)(3) of Title 26 of the United
10 States Code. Any such order or rule shall be considered a
11 substantial burden to the free exercise of religion even if the
12 order or rule is one of general applicability and is issued pursuant
13 to a state of emergency.

14 SECTION 3. This act shall become effective November 1, 2021.

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16 58-1-6640 AB 01/19/21
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