

HB 620-FN - AS INTRODUCED

2025 SESSION

25-0611

09/02

HOUSE BILL **620-FN**

AN ACT relative to the exercise of the freedom of religion.

SPONSORS: Rep. Popovici-Muller, Rock. 17; Rep. Lynn, Rock. 17; Rep. Read, Rock. 10; Rep. Giasson, Hills. 29; Rep. McFarlane, Graf. 18; Rep. Thibault, Merr. 25

COMMITTEE: Judiciary

ANALYSIS

This bill enacts a religious freedom restoration act, prohibiting the government from substantially burdening a person's exercise of religion unless it is in furtherance of a compelling government interest and is the least restrictive means of furthering such interest. The bill further provides for remedies for violations of the act's provisions.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the exercise of the freedom of religion.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Findings and Purpose.

2 I. The framers of the United States Constitution and the people of this state, recognizing
3 free exercise of religion as an inalienable right, secured its protection in the First Amendment to the
4 United States Constitution and in part 1, articles 4 and 5 of the constitution of this state,
5 respectively.

6 II. In *City of Boerne v. Flores*, 521 U.S. 507 (1997), the United States Supreme Court held
7 that the compelling interest test provided for in the federal Religious Freedom Restoration Act, to
8 protect the inalienable constitutional right of free exercise of religion, must be adopted by a state
9 through legislative act or court decision in order to apply to state or local government action.

10 III. The general court intends that this act adopts the same compelling interest test that
11 was provided for in the federal Religious Freedom Restoration Act in a manner that applies it to the
12 actions of state and local governments in New Hampshire.

13 2 New Chapter; Religious Freedom Restoration Act. Amend RSA by inserting after chapter 354-
14 B the following new chapter:

15 CHAPTER 354-C

16 RELIGIOUS FREEDOM RESTORATION ACT

17 354-C:1 Definitions. As used in this chapter:

18 I. "Demonstrates" shall mean meeting the burdens of going forward with the evidence and of
19 persuasion.

20 II. "Exercise of religion" shall mean any exercise of religion, whether or not compelled by, or
21 central to, a system of religious belief, including, but not limited to, the practice or observance of
22 religion under part 1, articles 4 and 5 of the New Hampshire constitution or the Free Exercise
23 Clause of the First Amendment to the Constitution of the United States.

24 III. "Government" shall mean any branch, department, agency, instrumentality, and official,
25 or other person acting under color of law of this state, or any political subdivision of this state.

26 354-C:2 Protection of the Free Exercise of Religion.

27 I. The government shall not substantially burden a person's exercise of religion even if the
28 burden results from a rule of general applicability, except as provided in paragraph II of section.

29 II. The government may substantially burden a person's exercise of religion only if it
30 demonstrates that application of the burden to the person is:

31 (a) In furtherance of a compelling governmental interest; and

1 (b) The least restrictive means of furthering such compelling governmental interest.

2 354-C:3 Remedies.

3 I. A person whose religious exercise has been burdened in violation of this chapter may
4 assert the violation as a claim or defense in a judicial proceeding and obtain appropriate relief
5 against the government.

6 II. In any action or proceeding to enforce a provision of this chapter, the court may allow the
7 prevailing party, other than government, a reasonable attorneys' fee as part of costs; provided,
8 however, that in any action brought against a judicial officer for an act or omission taken in such
9 officer's judicial capacity, such officer shall not be held liable for any costs, including attorneys' fees,
10 unless such action was clearly in excess of such officer's jurisdiction.

11 354-C:4 Construction. Nothing in this chapter shall be construed to affect, interpret, or in any
12 way address that portion of the First Amendment of the Constitution of the United States
13 prohibiting laws respecting the establishment of religion, referred to in this section as the
14 "Establishment Clause." Granting government funding, benefits, or exemptions, to the extent
15 permissible under the Establishment Clause, shall not constitute a violation of this chapter. As used
16 in this section, the term "granting," used with respect to government funding, benefits, or
17 exemptions, does not include the denial of government funding, benefits, or exemptions.

18 3 Effective Date. This act shall take effect 60 days after its passage.

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**HB 620-FN- FISCAL NOTE
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AN ACT relative to the exercise of the freedom of religion.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2025 through 2028.

AGENCIES CONTACTED:

Judicial Branch