

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 104

98TH GENERAL ASSEMBLY

0177H.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 173, RSMo, by adding thereto two new sections relating to the student freedom of association act.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 173, RSMo, is amended by adding thereto two new sections, to be known as sections 173.1555 and 173.1560, to read as follows:

**173.1555. As used in sections 173.1555 and 173.1560, the following terms shall mean:**

**(1) “Benefit”, recognition, registration, the use of facilities of the public institution of higher learning for meetings or speaking purposes, the use of channels of communication of the public institution of higher learning and the use of funding sources that are otherwise available to other student associations in the public institution of higher learning;**

**(2) “Exercise of religion”, any practice or observance of religion, whether compelled or mandated by, or central to, a system of religious belief;**

**(3) “Public institution of higher learning”, any state postsecondary educational institution governed or supervised by a board erected under chapter 172, 174, 175, or 178, a board of trustees of a community college, or any state board for any other technical school;**

**(4) “Substantially burden”, an action by a public institution of higher learning which directly or indirectly:**

**(a) Penalizes conduct or expression that reflects a student’s sincerely held religious beliefs;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **(b) Denies a student an opportunity to engage in religious activities; or**

19           **(c) Pressures a student to engage in conduct or expression contrary to a sincerely**  
20 **held religious belief or not to engage in conduct or expression motivated by a sincerely held**  
21 **religious belief.**

**173.1560. 1. No public institution of higher learning shall take any action or**  
2 **enforce any policy that denies a religious student association any benefit available to any**  
3 **other student association, or discriminate against a religious student association with**  
4 **respect to such benefit, based on that association’s requirement that its leaders or members**  
5 **adhere to the association’s sincerely held religious beliefs, comply with the association’s**  
6 **sincere religious observance requirements, comply with the association’s sincere religious**  
7 **standards of conduct, or be committed to furthering the association’s religious missions as**  
8 **such beliefs, requirements, standards, or missions are defined by the association or religion**  
9 **upon which the association is based.**

10           **2. No public institution of higher learning shall substantially burden a student’s**  
11 **exercise of religion unless the institution can demonstrate that application of the burden**  
12 **to the student is in furtherance of a compelling interest of the public institution of higher**  
13 **learning and is the least restrictive means of furthering that compelling interest.**

14           **3. Any student or religious student association that has been aggrieved as a result**  
15 **of a violation of subsection 1 or 2 of this section may assert that violation as a claim or**  
16 **defense in a judicial or administrative proceeding against the public institution of higher**  
17 **learning and obtain appropriate relief, including damages, against that institution.**

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