6239-S.E AMH SHEA TANG 201

**ESSB 6239** - H AMD **906**

By Representative Shea

**FAILED 02/08/2012**

On page 1, after line 10, insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes the preeminent protections of religious freedom in both the federal and state constitutions and that every person enjoys the secured rights of freedom of religious exercise, freedom of conscience, and free speech.

Article I, section 11 of the Washington state Constitution provides in pertinent part, "Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion."

Article XXVI of the Washington state Constitution provides in pertinent part, "The following ordinance shall be irrevocable without the consent of the United States and the people of this state: First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship."

The First Clause of the First Amendment of the Bill of Rights to the United States Constitution provides in pertinent part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

(2) It is the intent of this act to ensure: (a) that all persons in this state may enjoy the freedom to marry on equal terms; (b) the religious freedom of clergy and religious institutions to determine for whom to perform marriage ceremonies and to determine which marriages to recognize for religious purposes; and (c) the free exercise of religion and freedom of conscience of all the people of

the state of Washington based on their sincerely-held religious beliefs regarding marriage.

(3) No official of any religious organization or nonprofit institution or other person authorized to solemnize marriages may be required to solemnize any marriage in violation of his or her right to free exercise of religion guaranteed by the First Amendment to the United States Constitution or by the Washington state Constitution, and no individual, private business, or other private entity may be required to recognize or provide accommodations, facilities, goods or services for any marriage in violation of his or her right to free exercise of religion guaranteed by the First Amendment to the United States Constitution or by the Washington state Constitution."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, beginning on line 3, after "(3)" strike all material through "(7)" on line 26 and insert the following:

"(a) No church, religious denomination, or other religious organization, or any regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any church, religious denomination, or other religious organization, is required to solemnize any marriage, or to recognize any marriage solemnized or otherwise recognized under the laws of this state or any other state.

(b) A church, religious denomination, and other religious organization, and any regularly licensed or ordained minister and any priest, imam, rabbi, or similar official of any church, religious denomination, or religious organization, is immune from any civil claim or cause of action based on a refusal to solemnize any marriage, or to recognize any marriage solemnized or otherwise recognized under the laws of this state or any other state.

(c) No state or local government, or any agency thereof, may penalize, withhold benefits from, or refuse to contract with, any church, religious denomination, or other religious organization, or any nonprofit entity affiliated with a religious organization, based on the refusal of the church, religious denomination, other religious organization, or nonprofit entity to solemnize any marriage, or to recognize any marriage solemnized or otherwise recognized under the laws of this state or any other state.

(d) No judge, justice, or commissioner is required to solemnize any marriage contrary to his or her sincerely-held religious beliefs regarding marriage in violation of his or her right to free exercise of religion guaranteed by the First Amendment to the United States Constitution or by the Washington state Constitution. A judge, justice, or commissioner is immune from any civil claim or cause of action based on a refusal to solemnize any such marriage.

(e) The provisions of this subsection (3) shall be broadly construed.

(4)"

On page 3, beginning on line 1, after "other" strike all material through "religion" on line 4 and insert "such entities"

On page 3, beginning on line 28, after "(5)" strike all material through "RCW" on page 4, line 6 and insert the following:

"(a) No church, religious denomination, other religious organization, or any nonprofit entity affiliated with a religious organization, or any regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any church, religious denomination, or other religious organization, is required to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization or celebration of a marriage.

(b) A church, religious denomination, other religious organization, or any nonprofit entity affiliated with a religious organization, or any regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any church, religious denomination, or other religious organization, shall be immune from any civil claim or cause of action, including a claim pursuant to chapter 49.60 RCW, based on the refusal to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization or celebration of a marriage.

(6)(a) No individual, private business, or other private entity is required to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization of a marriage, or otherwise participate in, endorse, facilitate, or otherwise assist any marriage, marriage ceremony, or marriage celebration, or any other event or circumstance recognizing any marriage contrary to the sincerely-held religious beliefs of the individual or sincerely-held religious practices or policies of the business or entity, regarding marriage in violation of the right to free exercise of religion guaranteed by the First Amendment to the United States Constitution or by the Washington state Constitution.

(b) An individual, private business, or other private entity shall be immune from any civil claim or cause of action, including a claim pursuant to chapter 49.60 RCW, based on the refusal to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization of a marriage, or otherwise participate in, endorse, facilitate, or otherwise assist any marriage, marriage ceremony or marriage celebration, or other event or circumstance recognizing any marriage contrary to the sincerely-held religious beliefs of the individual or sincerely-held religious practices or policies of the business or entity, regarding marriage in violation of the right to free exercise of religion guaranteed by the First Amendment to the United States Constitution or by the Washington state Constitution"

On page 5, beginning on line 11, after "other" strike all material through "religion" on line 12 and insert "such entities"

|  |  |
| --- | --- |
|  | EFFECT:   Adds an intent section to: (1) include language from Article I, Section 11 and Article XXVI of the state constitution and from the First Amendment of the federal constitution; (2) provide that no official of any religious organization or nonprofit institution or other person authorized to solemnize a marriage may be required to solemnize a marriage in violation of his or her free exercise of religion; and (3) provide that no person or private business or private entity may be required to recognize or provide accommodations, facilities, goods, or services for any marriage in violation of the right to free exercise of religion.  Amends the religious exemption provisions to: (1) provide that religious denominations, religious organizations, and those authorized to solemnize marriages are not required to recognize any marriage solemnized in this or another state; (2) add nonprofit entities to the list of entities with whom the state cannot penalize, withhold benefits from, or refuse to contract with based on the refusal to solemnize a marriage and the refusal to recognize a marriage; and (3) provide that judges and commissioners are not required to solemnize a marriage in violation of their right to free exercise of religion and are immune from any civil cause of action for their refusal.  Provides an exemption and immunity for nonprofit entities affiliated with religious organizations, and individuals, private businesses, and other private entities. Provides that those individuals, businesses, and entities are not required to participate in, endorse, facilitate, or otherwise assist any marriage, marriage ceremony, or marriage celebration, or any other event or circumstance recognizing any marriage contrary to the sincerely-held religious beliefs of the person or sincerely-held religious practices or policies of the business or entity.  Changes the definition of "religious organizations" to include "other such entities" rather than "other entities whose principal purpose is the study, practice, or advancement of religion." |

**--- END ---**