

Sponsor Statement for HB 195

Freedom of Religion

An Act requiring governmental entities to meet certain requirements before placing a burden on a person's free exercise of religion.

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Religious protections were severely undermined in 1990 by the United States Supreme Court in *Employment Division v. Smith*. Until the *Smith* decision, the Federal Constitution was interpreted to protect the free exercise of religion against unjustified government interference. Government action that restricted the free exercise of religion was correctly viewed as illegal unless the government was able to show a “**compelling state interest**” and that the government action was the “**least restrictive means**” of accomplishing the desired result. The “compelling state interest” standard has been used to protect people that, as a religious preference; chose to home school their children, to avoid working on the Sabbath, and to wear a yarmulke or crucifix on the job. The *Smith* decision practically eliminated this protection from the federal constitution and held that the federal constitution no longer required that the government make any exception for religion.

The Alaska Supreme Court has used the “compelling state interest” standard under the Alaska Constitution. HB 195 inserts the “compelling state interest” standard into Alaska statutory law so religious freedom cannot be easily preempted by a change in judicial interpretation. This action is needed to ensure that Alaskans will enjoy continued religious freedom. Alaskans have always had a spirit of independence, especially with respect to religious expression. By taking the lead in protecting Alaskan's beliefs we can ensure our individual liberties for generations to come.