

2012 -- H 7753

=====
LC01571
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO DOMESTIC RELATIONS - CIVIL UNIONS

Introduced By: Representatives Ferri, Walsh, Edwards, Messier, and Cimini

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-3.1-5 of the General Laws in Chapter 15-3.1 entitled "Civil
2 Unions" is hereby repealed.

3 ~~**15-3.1-5. Conscience and religious organizations protected.**—(a) Notwithstanding any~~
4 ~~other provision of law to the contrary, no religious or denominational organization, no~~
5 ~~organization operated for charitable or educational purpose which is supervised or controlled by~~
6 ~~or in connection with a religious organization, and no individual employed by any of the~~
7 ~~foregoing organizations, while acting in the scope of that employment, shall be required:~~

8 ~~(1) To provide services, accommodations, advantages, facilities, goods, or privileges for~~
9 ~~a purpose related to the solemnization, certification, or celebration of any civil union; or~~

10 ~~(2) To solemnize or certify any civil union; or~~

11 ~~(3) To treat as valid any civil union;~~

12 ~~if such providing, solemnizing, certifying, or treating as valid would cause such~~
13 ~~organizations or individuals to violate their sincerely held religious beliefs.~~

14 ~~(b) No organization or individual as described in subsection (a) above who fails or~~
15 ~~refuses to provide, solemnize, certify, or treat as valid, as described in subdivision (a)(1), (a)(2) or~~
16 ~~(a)(3) above, persons in a civil union, shall be subject to a fine, penalty, or other cause of action~~
17 ~~for such failure or refusal.~~

18 SECTION 2. Chapter 15-3.1 of the General Laws entitled "Civil Unions" is hereby
19 amended by adding thereto the following section:

1 **15-3.1-5.1. Protection of freedom of religion.** – (a) Consistent with the guarantees of
2 freedom of religion set forth by both the First Amendment to the United States Constitution and
3 Article I, Section 3 of the Rhode Island Constitution, each religious institution has exclusive
4 control over its own religious doctrine, policy, and teachings regarding which couples may join
5 together within their faith, and on what terms. No court or other state or local governmental body,
6 entity, agency or commission shall compel, prevent, or interfere in any way with any religious
7 institution’s decisions about which couples may join together within that particular faith’s
8 tradition.

9 (b) Consistent with the guarantees of freedom of religion set forth by both the First
10 Amendment to the United States Constitution and Article I, Section 3 of the Rhode Island
11 Constitution, no regularly licensed or ordained clergyperson, minister, elder, priest, imam, rabbi,
12 or similar official of any church or religious denomination as described and authorized in section
13 15-3.1-4 of the general laws to officiate at a civil union, is required to solemnize any civil union.
14 A regularly licensed or ordained clergyperson, minister, elder, priest, imam, rabbi, or similar
15 official of any church or religious denomination shall be immune from any civil claim or cause of
16 action based on a refusal to solemnize any civil union under this chapter. No state agency or local
17 government may base a decision to penalize, withhold benefits from, or refuse to contract with
18 any church or religious denomination on the refusal of a person associated with such church or
19 religious denomination to solemnize a civil union under this chapter.

20 (c)(1) No religious organization is required to provide accommodations, facilities,
21 advantages, privileges, services, or goods related to the solemnization or celebration of a civil
22 union.

23 (2) A religious organization shall be immune from any civil claim or cause of action,
24 including a claim pursuant to chapter 11-24 of the general laws, based on its refusal to provide
25 accommodations, facilities, advantages, privileges, services, or goods related to the solemnization
26 or celebration of a civil union.

27 (3) For purposes of this section, “religious organization” includes, but is not limited to,
28 churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and
29 ecumenical organizations, mission organizations, faith-based social agencies, and other entities
30 whose principal purpose is the study, practice, or advancement of religion.

31 SECTION 3. This act shall take effect upon passage.

=====
LC01571
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO DOMESTIC RELATIONS - CIVIL UNIONS

1 This act would prohibit governmental intervention or interference with a religious
2 institutions' doctrine, policy and/or teachings with respect to which couples may join together
3 within a particular faith's tradition. This act would also immunize religious organizations and
4 officials from any civil claim based on their refusal to solemnize or accommodate a civil union.

5 This act would take effect upon passage.

=====
LC01571
=====