

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 39

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BEARDEN (Sponsor), DEMPSEY, AVERY, FISHER, ERVIN, RICHARD, SCHAAF, DAY, DEEKEN, SMITH (14), WILSON (119), SATER, MYERS, CUNNINGHAM (86), WILDBERGER, BLACK, FLOOK, MUNZLINGER, WELLS, MOORE, SMITH (150) AND ICET (Co-sponsors).

Pre-filed January 3, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2006, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

Section A. Section 5, article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 5, to read as follows:

Section 5. That all men **and women** have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no human authority can control or interfere with the rights of conscience; that no person shall, on account of his **or her** religious persuasion or belief, be rendered ineligible to any public office or trust or profit in this state, be disqualified from testifying or serving as a juror, or be molested in his **or her** person or estate; **that to secure a citizen's right to acknowledge Almighty God according to the dictates of personal convictions, neither the state nor any of its political subdivisions shall**

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.

8 establish any official religion, but a citizen's right to pray or to express his or her religious  
9 beliefs on any public property, including schools, shall not be infringed; that the state shall  
10 not compose prayers nor coerce any person to participate in any prayer or other religious  
11 activity, but shall ensure public school students their right to free exercise of religious  
12 expression without interference, as long as such prayer or other expression is private and  
13 voluntary, whether individually or corporately, and in a manner that is not disruptive nor  
14 in violation of other policies, rules, or standards, during both school hours and otherwise,  
15 and as long as such prayers or expressions abide within the same parameters placed upon  
16 any other free speech under similar circumstances; and, to emphasize the right to free  
17 exercise of religious expression, that all free public schools receiving state appropriations  
18 shall display, in a conspicuous and legible manner, the text of the First Amendment of the  
19 Constitution of the United States; but this section shall not be construed to excuse acts of  
20 licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the  
21 state, or with the rights of others.

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