

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 62

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES McGHEE (Sponsor), DAVIS, BURLISON, JONES (89), ERVIN, KRAUS, THOMSON, DIECKHAUS, LAIR, DEEKEN, SCHIEFFER, RUZICKA, FUNDERBURK, WELLS, SMITH (150), RUESTMAN, GATSCHENBERGER, COX, WASSON, DETHROW, WILSON (130), WALLACE, WILSON (119) AND KOENIG (Co-sponsors).

4153L.01I

D. ADAM CRUMBLISS, Chief Clerk

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.

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, 2010, 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Section A. Section 5, article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 5, to read as follows: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 his or her own conscience, neither the state nor any of its political subdivisions shall establish any official religion, nor shall a citizen's right to pray or express his or her religious beliefs be infringed; that the state shall not coerce any person to participate in any**

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.

10 **prayer or other religious activity, but shall ensure that any person shall have the right to**
11 **pray individually or corporately in a private or public setting so long as such prayer does**
12 **not result in disturbance of the peace or disruption of a public meeting or assembly; that**
13 **citizens as well as elected officials and employees of the state of Missouri and its political**
14 **subdivisions shall have the right to pray on government premises and public property so**
15 **long as such prayers abide within the same parameters placed upon any other free speech**
16 **under similar circumstances; that the General Assembly and the governing bodies of**
17 **political subdivisions may extend to ministers, clergypersons, and other individuals the**
18 **privilege to offer invocations or other prayers at meetings or sessions of the General**
19 **Assembly or governing bodies; that students may express their beliefs about religion in**
20 **written and oral assignments free from discrimination based on the religious content of**
21 **their work; that no student shall be compelled to perform or participate in academic**
22 **assignments or educational presentations that violate his or her religious beliefs; that the**
23 **state shall ensure public school students their right to free exercise of religious expression**
24 **without interference, as long as such prayer or other expression is private and voluntary,**
25 **whether individually or corporately, and in a manner that is not disruptive and as long as**
26 **such prayers or expressions abide within the same parameters placed upon any other free**
27 **speech under similar circumstances; and, to emphasize the right to free exercise of religious**
28 **expression, that all free public schools receiving state appropriations shall display, in a**
29 **conspicuous and legible manner, the text of the Bill of Rights of the Constitution of the**
30 **United States; but this section shall not be construed to expand the rights of prisoners in state**
31 **or local custody beyond those afforded by the laws of the United States, excuse acts of**
32 **licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the**
33 **state, or with the rights of others.**

Section B. Pursuant to Chapter 116, RSMo, and other applicable constitutional
2 provisions and laws of this state allowing the General Assembly to adopt ballot language for the
3 submission of a joint resolution to the voters of this state, the official ballot title of the
4 amendment proposed in Section A shall be as follows:

- 5 "Shall the Missouri Constitution be amended to ensure:
- 6 • That the right of Missouri citizens to express their religious beliefs shall not be
7 infringed;
 - 8 • That school children have the right to pray and acknowledge God voluntarily in
9 their schools; and
 - 10 • That all public schools shall display the Bill of Rights of the United States
11 Constitution."

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