

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 12
95TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, March 26, 2009, with recommendation that the Senate Committee Substitute do pass.

0937S.04C

TERRY L. SPIELER, Secretary.

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 religious freedom.

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

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2010, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article I of the Constitution of the state of Missouri:

Section A. Section 5, article I, Constitution of Missouri, is repealed and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

Section 5. That all men **and women** have a natural and indefeasible
2 right to worship Almighty God according to the dictates of their own consciences;
3 that no human authority can control or interfere with the rights of conscience;
4 that no person shall, on account of his **or her** religious persuasion or belief, be
5 rendered ineligible to any public office or trust or profit in this state, be
6 disqualified from testifying or serving as a juror, or be molested in his person or
7 estate; **that to secure a citizen's right to acknowledge almighty God**
8 **according to the dictates of his or her own conscience, neither the state**
9 **nor any of its political subdivisions shall establish any official religion,**
10 **nor shall a citizen's right to pray or express his or her religious beliefs**
11 **be infringed; that the state shall not coerce any person to participate**
12 **in any prayer or other religious activity, but shall ensure that any**
13 **person shall have the right to pray individually or corporately in a**
14 **private or public setting so long as such prayer does not result in**
15 **disturbance of the peace or disruption of a public meeting or assembly**

16 or impede public access; that citizens as well as elected officials and
17 employees of the state of Missouri and its political subdivisions shall
18 have the right to pray and to acknowledge God and express their
19 religious beliefs on government premises and public property so long
20 as such prayers and other expressions abide within the same
21 parameters placed upon any other free speech under similar
22 circumstances; that the general assembly and the governing bodies of
23 political subdivisions may solemnize public proceedings by extending
24 to ministers and clergypersons the invitation to offer invocations or
25 other prayers at meetings or sessions of the general assembly or
26 governing bodies; that the state shall ensure public school students
27 their right to free exercise of religious expression without interference,
28 as long as such prayer, acknowledgment of God, or other expression is
29 private and voluntary, whether individually or corporately, and in a
30 manner that is not disruptive and as long as such prayers or
31 expressions abide within the same parameters placed upon any other
32 free speech under similar circumstances; that students may express
33 their beliefs about religion in written and oral assignments free from
34 discrimination based on the religious content of their work; but this
35 section shall not be construed to expand the rights of prisoners in state or
36 local custody beyond those afforded by the laws of the United States,
37 excuse acts of licentiousness, nor to justify practices inconsistent with the good
38 order, peace or safety of the state, or with the rights of others.

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

- 6 "Shall the Missouri Constitution be amended to ensure:
- 7 • That the right of Missouri citizens to express their religious beliefs
 - 8 shall not be infringed;
 - 9 • That school children have the right to pray and acknowledge God
 - 10 voluntarily in their schools; and
 - 11 • That clergypersons may be invited to offer invocations at public
 - 12 meetings."

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