

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 12

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time January 21, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0937S.03I

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Section A. Section 5, article I, Constitution of Missouri, is repealed and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 excuse acts of licentiousness, nor to justify
36 practices inconsistent with the good order, peace or safety of the state, or with the
37 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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