

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 16
96TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, April 14, 2011, with recommendation that the Senate Committee Substitute do pass.

1222S.02C

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, 2012, 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Section A. Section 5, article I, Constitution of Missouri, is repealed and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 infeasible
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 God according to**
8 **the dictates of his or her own conscience, neither the state nor any of**
9 **its political subdivisions shall establish any official religion, nor shall**
10 **a citizen's right to pray or express his or her religious beliefs be**
11 **infringed; that the state shall not coerce any person to participate in**
12 **any prayer or other religious activity, but shall ensure that any person**
13 **shall have the right to pray individually or corporately in a private or**
14 **public setting so long as such prayer does not result in disturbance of**

15 the peace or disruption of a public meeting or assembly or impede
16 public access; that citizens as well as elected officials and employees of
17 the state of Missouri and its political subdivisions shall have the right
18 to pray and to acknowledge God and express their religious beliefs on
19 government premises and public property so long as such prayers and
20 other expressions abide within the same parameters placed upon any
21 other free speech under similar circumstances; that the general
22 assembly and the governing bodies of political subdivisions may
23 solemnize public proceedings by extending to ministers, clergypersons,
24 and other individuals the invitation to offer invocations or other
25 prayers at meetings or sessions of the general assembly or governing
26 bodies; that the state shall ensure public school students their right to
27 free exercise of religious expression without interference, as long as
28 such prayer, acknowledgment of God, or other expression is private
29 and voluntary, whether individually or corporately, and in a manner
30 that is not disruptive and as long as such prayers or expressions abide
31 within the same parameters placed upon any other free speech under
32 similar circumstances; that students may express their beliefs about
33 religion in written and oral assignments free from discrimination based
34 on the religious content of their work; that no student shall be
35 compelled to perform or participate in academic assignments or
36 educational presentations that violate their religious beliefs; and, to
37 emphasize the right to free exercise of religious expression, that all
38 free public schools receiving state appropriation shall display, in a
39 conspicuous and legible manner, the text of the Bill of Rights of the
40 United States Constitution; but this section shall not be construed to expand
41 the rights of prisoners in state or local custody beyond those afforded
42 by the laws of the United States, excuse acts of licentiousness, nor to justify
43 practices inconsistent with the good order, peace or safety of the state, or with the
44 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 all public schools shall display the Bill of Rights of the United
12 States Constitution.".



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