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SENATE JOINT RESOLUTION NO. 287

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections
on January 29, 2013)

(Patrons Prior to Substitute—Senators Stanley and Carrico [SJR 261])

Proposing an amendment to Section 16 of Article I of the Constitution of Virginia, relating to the free exercise of religion.

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 16 of Article I of the Constitution of Virginia as follows:

ARTICLE I

BILL OF RIGHTS

Section 16. Free exercise of religion; no establishment of religion.

That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in nowise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

That the Commonwealth shall not coerce any person to participate in any prayer or other religious activity, but shall accommodate the right of any person to pray individually or corporately on public property so long as such prayer does not result in disturbance of the peace or disruption of a public meeting or assembly or other public business; that citizens as well as elected officials and employees of the Commonwealth and its political subdivisions shall have the right to pray on government premises and public property so long as such prayers abide within the same parameters placed upon any other free speech under similar circumstances; that the General Assembly and the governing bodies of political subdivisions may extend to ministers, clergypersons, and other individuals the privilege to offer invocations or other prayers at meetings or sessions of the General Assembly or governing bodies; that students in public schools may express their beliefs about religion in written and oral assignments free from discrimination based on the religious content of their work; that no student in public schools shall be compelled to perform or participate in academic assignments or educational presentations that violate his religious beliefs; that the Commonwealth shall ensure public school students their right to free exercise of religious expression without interference, as long as such prayer or other expression is private and voluntary, whether individually or corporately, and in a manner that is not disruptive and as long as such prayers or expressions abide within the same parameters placed upon any other free speech under similar circumstances; and, to emphasize the right to free exercise of religious expression, that all free public schools receiving state appropriations shall display, in a conspicuous and legible manner, the text of the Bill of Rights of the Constitution of the United States; but this section shall not be construed to excuse acts of licentiousness or justify practices inconsistent with the good order, peace, or safety of the Commonwealth or with the rights of others. The Attorney General is authorized to advise any officer of the Commonwealth and any local official with respect to the effect of these guarantees and shall defend any suit brought against such officers or officials on account of their official actions taken within the scope of that advice.