



2013 SENATE JOINT RESOLUTION 38

May 30, 2013 – Introduced by Senators LEIBHAM, GROTHMAN, KEDZIE, LAZICH and MOULTON, cosponsored by Representatives CRAIG, JACQUE, BERNIER, THIESFELDT, SANFELIPPO, A. OTT, TITTL, STROEBEL, BROOKS, T. LARSON, BORN, KESTELL, KAPENGA, NASS, HUTTON, KRUG, ENDSLEY and PRIDEMORE. Referred to Committee on Judiciary and Labor.

1 **To amend** section 18 of article I of the constitution; **relating to:** religious liberty and
2 the right of conscience (first consideration).

Analysis by the Legislative Reference Bureau

This constitutional amendment, proposed to the 2013 legislature on first consideration, protects the right of conscience from state action. It prohibits the state from burdening the right of conscience unless it proves it has a compelling interest and the burden is the least-restrictive alternative. It further defines burden to include indirect burdens such as withholding benefits, assessing penalties, or exclusion from programs or access to facilities.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

3 **Resolved by the senate, the assembly concurring, That:**

4 **SECTION 1.** Section 18 of article I of the constitution is amended to read:

5 [Article I] Section 18. The right of every person to worship Almighty God
6 according to the dictates of conscience shall never be infringed; nor shall any person
7 be compelled to attend, erect or support any place of worship, or to maintain any
8 ministry, without consent; nor shall any control of, or interference with, the rights

1 of conscience be permitted, or any preference be given by law to any religious
2 establishments or modes of worship; nor shall any money be drawn from the treasury
3 for the benefit of religious societies, or religious or theological seminaries. The right
4 of conscience, which includes the right to engage in activity or refrain from activity
5 based on a sincerely held religious belief, shall not be burdened unless the state
6 proves it has a compelling interest in infringing upon the specific action or refusal
7 to act, and the burden is the least-restrictive alternative to the state's action. A
8 burden to the right of conscience includes indirect burdens, such as withholding
9 benefits, assessing penalties, or exclusion from programs or access to facilities.

10 ***Be it further resolved, That*** this proposed amendment be referred to the
11 legislature to be chosen at the next general election and that it be published for three
12 months previous to the time of holding such election.

13 (END)