

2023 Regular Session

SENATE BILL NO. 63

BY SENATORS MIZELL, ABRAHAM, ALLAIN, BARROW, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HENRY, HENSGENS, HEWITT, JACKSON, KLEINPETER, LAMBERT, MCMATH, MILLIGAN, ROBERT MILLS, PEACOCK, POPE, REESE, STINE, TARVER, WHITE AND WOMACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RELIGIOUS FREEDOMS/LIBERTIES. Constitutional Amendment to provide that the right of freedom of worship in churches or other places of worship is a fundamental right that is worthy of the highest order of protection. (2/3-CA13s1(A))

A JOINT RESOLUTION

Proposing to add Article XII, Section 17 of the Constitution of Louisiana, relative to religious freedom; to provide that the freedom of worship in churches or other places of worship is a fundamental right that is worthy of the highest order of protection; to provide for the highest level of scrutiny by a court; to provide for intent; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to add Article XII, Section 17 of the Constitution of Louisiana, to read as follows:

§17. Freedom of worship in churches or other places of worship

Section 17.(A) The freedom to worship in a church or other place of worship is a fundamental right that is worthy of the highest order of protection.

(B) This Section shall not alter or limit Article 1, Section 8 of this constitution in any way. The free exercise of religion guaranteed by Article 1, Section 8 of this constitution shall not be limited to the fundamental right to

1 worship in a church or other place of worship.

2 (C) If a state or local governmental body or official acts in a manner
 3 that is contrary to the provisions of this Section and a challenge is brought
 4 related to that governmental action, the court shall apply strict scrutiny in
 5 order to protect the fundamental right to worship in a church or other place of
 6 worship, unless there is a higher level of protection or scrutiny recognized and
 7 applied by the court.

8 Section 2. Be it further resolved that this proposed amendment shall be submitted
 9 to the electors of the state at the statewide election to be held on October 14, 2023.

10 Section 3. Be it further resolved that on the official ballot to be used at the election
 11 there shall be printed a proposition, upon which the electors of the state shall be permitted
 12 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 13 follows:

14 Do you support an amendment to provide that the freedom of worship in a
 15 church or other place of worship is a fundamental right that is worthy of the
 16 highest order of protection?

17 (Adds Const. Article XII, Section 17)

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

SB 63 Reengrossed

DIGEST
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Mizell

Present constitution provides that no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

Proposed constitutional amendment provides that the freedom to worship in a church or other place of worship is a fundamental right that is worthy of the highest order of protection.

Proposed constitutional amendment retains present constitution and clarifies that proposed constitutional amendment is not intended to alter or limit the free exercise of religion guaranteed in the present constitution.

Proposed constitutional amendment further provides that if the state or local government acts in a manner contrary to the proposed constitutional amendment, a court hearing the challenge to that governmental action is to apply the standard of strict scrutiny, unless a higher level of protection is recognized and applied by the court.

Specifies submission of the amendment to the voters at the statewide election to be held on October 14, 2023.

(Adds Const. Art. XII, Sec. 17)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Clarifies that court apply strict scrutiny.