

# HB35 INTRODUCED



1 V7UOPP-1  
2 By Representative Estes  
3 RFD: Education Policy  
4 First Read: 07-Mar-23  
5 PFD: 23-Feb-23



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SYNOPSIS:

Under existing law, a local board of education is required to allow certain student-initiated voluntary prayer at school-related events.

This bill would require a local board of education to provide certain school resources to students to facilitate student-led prayer.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to religious expression; to amend Section 16-1-20.3, Code of Alabama 1975; to require a local board of education to provide certain school resources to students to facilitate student-led prayer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-20.3, Code of Alabama 1975, is amended to read as follows:

"§16-1-20.3

(a) The legislative intent and purpose for this section is to protect the freedom of speech guaranteed by the First Amendment to the United States Constitution and Article 1, Section 4 of the Constitution of Alabama of ~~1901~~ 2022, to



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29 define for the ~~citizens~~ residents of Alabama the rights and  
30 privileges that are accorded them on public school and other  
31 public property and at school-related events, and to provide  
32 guidance to public school officials on the rights and  
33 requirements of law they must apply. Further, the intent and  
34 purpose of the Legislature is to properly accommodate the free  
35 exercise of religious rights of its student ~~citizens~~ residents  
36 in the public schools and at public school events as mandated  
37 by the First Amendment to the United States Constitution and  
38 the judicial interpretations thereof as given by the United  
39 States Supreme Court.

40 (b) (1) On public school, other public, or other  
41 property, non-sectarian, non-proselytizing student-initiated  
42 and student-led voluntary prayer, invocations ~~and/or, or~~  
43 benedictions, or any of these, shall be permitted during  
44 compulsory or non-compulsory school-related student  
45 assemblies, school-related student sporting events,  
46 school-related graduation or commencement ceremonies, and  
47 other school-related student events. A local board of  
48 education shall allow any student or students who are leading  
49 a prayer pursuant to this section to use school property, such  
50 as a microphone or public address system, to facilitate the  
51 prayer and communicate the prayer to those in attendance.

52 (2) No local board of education or athletic or other  
53 association operating within or outside the boundaries of  
54 Alabama may prohibit, impede, or deter a student-initiated and  
55 student-led voluntary prayer made pursuant to subdivision (1).

56 (c) Nothing in this section shall otherwise diminish



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57 the right of any student or ~~person~~ individual to exercise his  
58 or her rights of free speech and religion, including prayer,  
59 as permitted by the United States Constitution and the Alabama  
60 Constitution on public school or other public property, or  
61 other property, at times or events other than those stated in  
62 subsection (b).

63 (d) The exercise of these rights on public school or  
64 other public property, or on other property for school-related  
65 activities, by students or others, shall not be construed to  
66 indicate any support, approval, or sanction by the State of  
67 Alabama, any political subdivision thereof, municipal  
68 corporation, governmental entity of any description, or any  
69 agent or employee of any governmental entity of the contents  
70 of any ~~such~~ prayer, invocation, benediction, or other  
71 activity, or be an unconstitutional use of any public school  
72 property or other public property, or be the promotion or  
73 establishment of any religion or religious belief."

74 Section 2. This act shall become effective on the  
75 first day of the third month following its passage and  
76 approval by the Governor, or its otherwise becoming law.