

By: Patrick

S.J.R. No. 40

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment relating to the right of
3 freedom of conscience.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 6, Article I, Texas Constitution, is
6 amended to read as follows:

7 Sec. 6. All men have a natural and indefeasible right to worship
8 Almighty God according to the dictates of their own consciences. No
9 man shall be compelled to attend, erect or support any place of
10 worship, or to maintain any ministry against his consent. No human
11 authority ought, in any case whatever, to control or interfere with
12 the rights of conscience in matters of religion, and no preference
13 shall ever be given by law to any religious society or mode of
14 worship. The right to act or refuse to act in a manner that is
15 substantially motivated by a sincerely held religious belief, may
16 not be substantially burdened unless the government proves it has a
17 compelling governmental interest in infringing on the specific act
18 or refusal to act and has used the least restrictive means in
19 furthering that interest. For the purposes of this section, a
20 burden includes indirect burdens such as withholding benefits,
21 assessing penalties, or an exclusion from programs or access to
22 facilities. The Legislature may make laws which presume that
23 ordinances, rules, orders, decisions, and practices that are
24 applied to persons in the custody of juvenile detention centers,

1 correctional facilities, prisons, jails or other penal
2 institutions to be in furtherance of a compelling governmental
3 interest and the least restrictive means of furthering that
4 interest. But it shall be the duty of the Legislature to pass such
5 laws as may be necessary to protect equally every religious
6 denomination in the peaceable enjoyment of its own mode of public
7 worship.

8 SECTION 2. This proposed constitutional amendment shall be
9 submitted to the voters at an election to be held November 3, 2009.
10 The ballot shall be printed to provide for voting for or against the
11 proposition: "The constitutional amendment relating to the right
12 of freedom of conscience."