

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 1050 (Delegate Burns, *et al.*)  
Rules and Executive Nominations

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**Public Prayer - References to a Specific Deity**

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This bill provides that an individual who prays in a public place may refer to a specific deity or religious leader and may not be subject to criticism or censure by a State, county, or municipal official because of the individual's reference to a specific deity or religious leader.

The bill is effective July 1, 2004.

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**Fiscal Summary**

**State Effect:** Any change in State activities would not materially affect State finances.

**Local Effect:** Any change in local government activities would not materially affect government finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Title 7 of the Education Article permits principals and teachers in each public elementary and secondary school to require all students to be present and participate in daily opening exercises and to meditate silently for approximately one minute. During this period, a student or teacher may read the holy scripture or pray. There are no other provisions in State law specifically addressing public prayer.

**Background:** The issue of prayer in public places has frequently arisen in the context of public schools and in legislative proceedings. The Supreme Court's most recent decision on school prayer upheld that court's longstanding position that voluntary prayer in public arenas is protected by the U.S. Constitution. However, state involvement in the methods, modes, or content of an individual's prayer violates the Establishment Clause of the First Amendment. As recently as 2003, the U.S. Department of Education has attempted to clarify these principles by issuing guidelines for state and local departments of education. Also, as a condition of receiving federal funds, the U.S. Department of Education requires local governments to certify to state education departments that its policies do not prevent or otherwise deny participation in voluntary prayer.

Prayer in legislative proceedings however, has been recognized as a "deeply embedded tradition" in this country. As a result, legislatures have more latitude in determining the content of prayers performed as part of opening ceremonies. A 50 state National Conference of State Legislatures' survey of legislative prayer practices found that most states begin their daily legislative sessions with prayer and most use visiting clergy who are provided with guidelines to inform them of the appropriate content for the prayer. Most guidelines advise speakers to give prayers that are nonsectarian and cultivated for a general audience.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Human Relations Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2004  
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