

# HOUSE BILL 372

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HB 955/16 – W&M

7lr1314

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By: **Delegate Metzgar**

Introduced and read first time: January 25, 2017

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Voluntary Nonsectarian Prayer at School–Sponsored Student**  
3 **Events**

4 FOR the purpose of requiring certain county boards of education to allow certain  
5 nonsectarian student–initiated voluntary prayer during certain school–sponsored  
6 student events; providing that this Act does not diminish certain rights of certain  
7 individuals relating to free speech and the free exercise of religion; providing that  
8 the exercise of certain rights may not be construed as a certain support, approval, or  
9 sanction of the contents of a certain prayer, as the promotion or establishment of a  
10 certain religion, or as an unconstitutional use of property by certain entities;  
11 providing for the purpose of this Act; defining certain terms; making the provisions  
12 of this Act severable; and generally relating to nonsectarian student–initiated  
13 voluntary prayer at school–sponsored events.

14 BY adding to  
15 Article – Education  
16 Section 7–104.1  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2016 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Education**

22 **7–104.1.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
24 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “NONSECTARIAN STUDENT–INITIATED VOLUNTARY PRAYER”**  
2 **INCLUDES INVOCATIONS AND BENEDICTIONS.**

3           **(3) “POLITICAL SUBDIVISION” INCLUDES:**

4                   **(I) A COUNTY;**

5                   **(II) A MUNICIPALITY;**

6                   **(III) A SPECIAL TAXING DISTRICT; AND**

7                   **(IV) A PUBLIC CORPORATION OF THE STATE.**

8           **(B) THE PURPOSE OF THIS SECTION IS TO PROTECT THE FREEDOM OF**  
9 **SPEECH AND THE RIGHT TO FREE EXERCISE OF RELIGION GUARANTEED BY THE**  
10 **FIRST AMENDMENT OF THE U.S. CONSTITUTION.**

11           **(C) A COUNTY BOARD SHALL ALLOW NONSECTARIAN STUDENT–INITIATED**  
12 **VOLUNTARY PRAYER DURING MANDATORY AND VOLUNTARY SCHOOL–SPONSORED**  
13 **STUDENT EVENTS, INCLUDING:**

14                   **(1) ASSEMBLIES;**

15                   **(2) ATHLETIC EVENTS;**

16                   **(3) GRADUATION AND COMMENCEMENT CEREMONIES; AND**

17                   **(4) ANY OTHER SCHOOL–SPONSORED STUDENT EVENT.**

18           **(D) THIS SECTION DOES NOT DIMINISH A STUDENT’S OR AN INDIVIDUAL’S**  
19 **RIGHT TO FREE SPEECH OR RIGHT TO THE FREE EXERCISE OF RELIGION, INCLUDING**  
20 **PRAYER, AT A SCHOOL–SPONSORED EVENT THAT IS NOT LISTED IN SUBSECTION (C)**  
21 **OF THIS SECTION.**

22           **(E) THE EXERCISE OF THE RIGHTS GUARANTEED UNDER THIS SECTION MAY**  
23 **NOT BE CONSTRUED AS AN ACTION BY A PUBLIC SCHOOL, A LOCAL SCHOOL SYSTEM,**  
24 **THE STATE, AN INSTRUMENTALITY OF THE STATE, OR A POLITICAL SUBDIVISION TO:**

25                   **(1) SUPPORT, APPROVE, OR SANCTION THE CONTENTS OF A**  
26 **NONSECTARIAN STUDENT–INITIATED VOLUNTARY PRAYER;**

27                   **(2) PROMOTE OR ESTABLISH A RELIGION OR A RELIGIOUS BELIEF; OR**

1                   **(3) USE PROPERTY IN AN UNCONSTITUTIONAL MANNER.**

2           SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
3 the application thereof to any person or circumstance is held invalid for any reason in a  
4 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
5 application of this Act that can be given effect without the invalid provision or application,  
6 and for this purpose the provisions of this Act are declared severable.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2017.