

HOUSE BILL 1306

F1

8r1818
CF SB 613

By: **Delegates Metzgar, Afzali, Aumann, Impallaria, Jalisi, Long, McComas, McConkey, Reilly, and Rose**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Board of Education – Voluntary Nonsectarian Prayer at**
3 **School-Sponsored Student Events – Referendum**

4 FOR the purpose of requiring the Baltimore County Board 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; providing for the application of this Act;
12 defining a certain term; making the provisions of this Act severable; submitting this
13 Act to a referendum of the qualified voters of Baltimore County; and generally
14 relating to nonsectarian student-initiated voluntary prayer at school-sponsored
15 events in Baltimore County.

16 BY adding to
17 Article – Education
18 Section 7–104.1
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2017 Supplement)

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

23 **Article – Education**

24 **7–104.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, “NONSECTARIAN STUDENT–INITIATED VOLUNTARY**
2 **PRAYER” INCLUDES INVOCATIONS AND BENEDICTIONS.**

3 **(B) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

4 **(C) THE PURPOSE OF THIS SECTION IS TO PROTECT THE FREEDOM OF**
5 **SPEECH AND THE RIGHT TO FREE EXERCISE OF RELIGION GUARANTEED BY THE**
6 **FIRST AMENDMENT OF THE U.S. CONSTITUTION.**

7 **(D) THE BALTIMORE COUNTY BOARD OF EDUCATION SHALL ALLOW**
8 **NONSECTARIAN STUDENT–INITIATED VOLUNTARY PRAYER DURING MANDATORY**
9 **AND VOLUNTARY SCHOOL–SPONSORED STUDENT EVENTS, INCLUDING:**

10 **(1) ASSEMBLIES;**

11 **(2) ATHLETIC EVENTS;**

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

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

14 **(E) THIS SECTION DOES NOT DIMINISH A STUDENT’S OR AN INDIVIDUAL’S**
15 **RIGHT TO FREE SPEECH OR THE RIGHT TO THE FREE EXERCISE OF RELIGION,**
16 **INCLUDING PRAYER, AT A SCHOOL–SPONSORED EVENT THAT IS NOT LISTED IN**
17 **SUBSECTION (D) OF THIS SECTION.**

18 **(F) THE EXERCISE OF THE RIGHTS GUARANTEED UNDER THIS SECTION MAY**
19 **NOT BE CONSTRUED AS AN ACTION BY A PUBLIC SCHOOL, THE BALTIMORE COUNTY**
20 **BOARD OF EDUCATION, BALTIMORE COUNTY, THE STATE, OR AN**
21 **INSTRUMENTALITY OF THE STATE TO:**

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

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

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

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes
2 effective, it shall first be submitted to a referendum of the qualified voters of Baltimore
3 County at the general election to be held in November 2018. The Baltimore County Council
4 and the Baltimore County Board of Elections shall do those things necessary and proper to
5 provide for and hold the referendum required by this section. If a majority of the votes cast
6 on the question are “For the referred law” this Act shall become effective on the 30th day
7 following the official canvass of votes for the referendum, but if a majority of the votes cast
8 on the question are “Against the referred law” this Act, with no further action required by
9 the General Assembly, shall be null and void.

10 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of
11 Section 3 of this Act and for the sole purpose of providing for the referendum required by
12 Section 3 of this Act, this Act shall take effect July 1, 2018.