

By: Smith (35th)

To: Judiciary A

HOUSE BILL NO. 1096

1 AN ACT TO CREATE THE TEN COMMANDMENTS DEFENSE ACT; TO STATE
2 LEGISLATIVE FINDINGS; TO DECLARE RELIGIOUS LIBERTY RIGHTS; TO
3 REQUIRE THE EXERCISE OF JUDICIAL POWER CONSISTENT WITH THOSE
4 DECLARATIONS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. This act may be cited as the "Ten Commandments
7 Defense Act."

8 SECTION 2. The Legislature finds the following:

9 (a) The Declaration of Independence declares that
10 governments are instituted to secure certain unalienable rights,
11 including life, liberty and the pursuit of happiness, with which
12 all human beings are endowed by their Creator and to which they
13 are entitled by the laws of nature and of nature's God.

14 (b) The organic laws of the United States Code and the
15 constitutions of every state, using various expressions, recognize
16 God as the source of the blessings of liberty.

17 (c) The First Amendment to the Constitution of the
18 United States secures rights against laws respecting an
19 establishment of religion or prohibiting the free exercise thereof
20 made by the United States government.

21 (d) The rights secured under the First Amendment have
22 been interpreted by courts of the United States government to be
23 included among the provisions of the Fourteenth Amendment.

24 (e) The Tenth Amendment reserves to the states,
25 respectively, the powers not delegated to the United States
26 government nor prohibited to the states.

27 (f) Disputes and doubts have arisen with respect to

28 public displays of the Ten Commandments and to other public
29 expression of religious faith.

30 (g) Section 5 of the Fourteenth Amendment grants the
31 Congress power to enforce the provisions of said amendment.

32 (h) Article I, Section 8, of the United States
33 Constitution, grants the Congress power to constitute tribunals
34 inferior to the Supreme Court, and Article III, Section 1, grants
35 the Congress power to ordain and establish courts in which the
36 judicial power of the United States government shall be vested.

37 SECTION 3. (1) The power to display the Ten Commandments on
38 or within property owned or administered by the state or political
39 subdivisions thereof is hereby declared to be among the powers
40 reserved to the state.

41 (2) The expression of religious faith by individual persons
42 on or within property owned or administered by the state or
43 political subdivisions thereof is hereby:

44 (a) Declared to be among the rights secured against
45 laws respecting an establishment of religion or prohibiting the
46 free exercise of religion made or enforced by the United States
47 government and the State of Mississippi or by any department or
48 executive or judicial officer thereof; and

49 (b) Declared to be among the liberties of which no
50 state shall deprive any person without due process of law made in
51 pursuance of powers reserved to the states, respectively.

52 (3) The courts constituted, ordained and established by the
53 state shall exercise the judicial power in a manner consistent
54 with the foregoing declarations.

55 SECTION 4. This act shall take effect and be in force from
56 and after July 1, 2000.