

By: Representatives Denton, Miles

To: Education

HOUSE BILL NO. 79

1 AN ACT TO AMEND SECTION 37-13-8, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE LOCAL SCHOOL BOARDS TO DESIGNATE A PERIOD OF REFLECTION AT
3 THE BEGINNING OF EACH SCHOOL DAY TO PROVIDE FOR STUDENT-INITIATED
4 PRAYER ON A VOLUNTARY BASIS; TO BRING FORWARD SECTIONS 37-13-4 AND
5 37-13-4.1, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
6 AMENDMENT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-13-8, Mississippi Code of 1972, is
9 amended as follows:

10 37-13-8. (1) In each public school classroom, the local
11 school governing board * * * shall designate a * * * period
12 of * * * reflection * * * at the opening of school upon every
13 school day in which nonsectarian, nonproselytizing
14 student-initiated prayer must be allowed in silence or audible
15 communication for those students desiring to voluntarily
16 participate.

17 (2) The moment of * * * reflection authorized by subsection
18 (1) of this section is not intended to be and shall not be
19 conducted as a religious service or exercise but is considered an
20 opportunity for a moment of * * * reflection that does not



21 conflict with the authority granted under Sections 37-13-4 and
22 37-13-4.1.

23 **SECTION 2.** Section 37-13-4, Mississippi Code of 1972, is
24 brought forward as follows:

25 37-13-4. It shall be lawful for any teacher or school
26 administrator in any of the schools of the state which are
27 supported, in whole or in part, by the public funds of the state,
28 to permit the voluntary participation by students or others in
29 prayer. Nothing contained in this section shall authorize any
30 teacher or other school authority to prescribe the form or content
31 of any prayer. The provisions of this section shall not be
32 construed to amend or repeal the provisions of Section 37-13-4.1
33 but shall be considered as supplemental and in addition to the
34 provisions of Section 37-13-4.1.

35 **SECTION 3.** Section 37-13-4.1, Mississippi Code of 1972, is
36 brought forward as follows:

37 37-13-4.1. (1) The legislative intent and purpose for this
38 section is to protect the freedom of speech guaranteed by the
39 First Amendment to the United States Constitution, to define for
40 the citizens of Mississippi the rights and privileges that are
41 accorded them on public school property, other public property or
42 other property at school-related events; and to provide guidance
43 to public school officials on the rights and requirements of law
44 that they must apply. The intent and purpose of the Legislature
45 is to accommodate the free exercise of religious rights of its



46 student citizens in the public schools and at public school events
47 as provided to them by the First Amendment to the United States
48 Constitution and the judicial interpretations thereof as given by
49 the United States Supreme Court.

50 (2) On public school property, other public property or
51 other property, invocations, benedictions or nonsectarian,
52 nonproselytizing student-initiated voluntary prayer shall be
53 permitted during compulsory or noncompulsory school-related
54 student assemblies, student sporting events, graduation or
55 commencement ceremonies and other school-related student events.

56 (3) This section shall not diminish the right of any student
57 or person to exercise his rights of free speech and religion,
58 including prayer, as permitted by the United States Constitution,
59 on public school property, other public property or other
60 property, at times or events other than those stated in subsection
61 (2) of this section.

62 (4) The exercise of the rights guaranteed under subsection
63 (2) of this section shall not be construed to indicate any
64 support, approval or sanction of the contents of any such prayer,
65 invocation, benediction or other activity, or be construed as an
66 unconstitutional use of any public property or other property by
67 the State of Mississippi or any agency, department, board,
68 commission, institution or other instrumentality thereof or any
69 political subdivision of the state, including any county or
70 municipality and any instrumentality thereof. The exercise of



71 these rights on public school property, other public property or
72 on other property for school-related activities, by students or
73 others, shall not be construed as the promotion or establishment
74 of any religion or religious belief.

75 (5) The provisions of this section are severable. If any
76 part of this section is declared invalid or unconstitutional, that
77 declaration shall not affect the part or parts that remain.

78 **SECTION 4.** This act shall take effect and be in force from
79 and after July 1, 2023.

