AN ACT TO AMEND SECTION 37-13-8, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL SCHOOL BOARDS TO DESIGNATE A PERIOD OF REFLECTION AT THE BEGINNING OF EACH SCHOOL DAY TO PROVIDE FOR STUDENT-INITIATED PRAYER ON A VOLUNTARY BASIS; TO BRING FORWARD SECTIONS 37-13-4 AND 37-13-4.1, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO PROVIDE THAT THIS REQUIREMENT SHALL BECOME EFFECTIVE ONLY UPON A DETERMINATION BY THE STATE ATTORNEY GENERAL THAT THE UNITED STATES SUPREME COURT HAS OVERRULED THE DECISION OF ENGEL V. VITALE, WHICH HAS THE EFFECT OF HOLDING UNCONSTITUTIONAL ANY STATE LAW THAT SEEKS TO CREATE SUCH A REQUIREMENT; TO PROVIDE A RIGHT OF INTERVENTION BY THE LEGISLATURE OR GOVERNOR IN ANY CASE IN WHICH THE CONSTITUTIONALITY OF THIS ACT CHALLENGED; AND FOR RELATED PURPOSES.

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

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

37-13-8. (1) In each public school classroom, the local school governing board *shall designate* a period of *reflection* at the opening of school upon every school day in which nonsectarian, nonproselytizing student-initiated prayer must be allowed in silence or audible communication for those students desiring to voluntarily participate.
(2) The moment of * * * reflection authorized by subsection (1) of this section is not intended to be and shall not be conducted as a religious service or exercise but is considered an opportunity for a moment of * * * reflection that does not conflict with the authority granted under Sections 37-13-4 and 37-13-4.1.

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

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

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

37-13-4.1. (1) The legislative intent and purpose for this section is to protect the freedom of speech guaranteed by the First Amendment to the United States Constitution, to define for the citizens of Mississippi the rights and privileges that are accorded them on public school property, other public property or
other property at school-related events; and to provide guidance
to public school officials on the rights and requirements of law
that they must apply. The intent and purpose of the Legislature
is to accommodate the free exercise of religious rights of its
student citizens in the public schools and at public school events
as provided to them by the First Amendment to the United States
Constitution and the judicial interpretations thereof as given by
the United States Supreme Court.

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

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

(4) The exercise of the rights guaranteed under subsection
(2) of this section shall not be construed to indicate any
support, approval or sanction of the contents of any such prayer,
invocation, benediction or other activity, or be construed as an
unconstitutional use of any public property or other property by
the State of Mississippi or any agency, department, board, commission, institution or other instrumentality thereof or any political subdivision of the state, including any county or municipality and any instrumentality thereof. The exercise of these rights on public school property, other public property or on other property for school-related activities, by students or others, shall not be construed as the promotion or establishment of any religion or religious belief.

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

SECTION 4. At such time as the Attorney General of Mississippi determines that the United States Supreme Court has overruled the decision of *Engel v. Vitale* 370 U.S. 421 (1962), and that as a result, it is reasonably probable that Section 37-13-8 would be upheld by the court as constitutional, the Attorney General shall publish his or her determination of that fact in the administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972.

SECTION 5. (1) If any provision of this act is found to be unconstitutional, the provision is severable; and the other provisions of this act remain effective, except as provided in other sections of this act.
(2) Nothing in this act may be construed to repeal, by implication or otherwise, any provision not explicitly repealed.

(3) If any provision of this act is ever declared unconstitutional or its enforcement temporarily or permanently restricted or enjoined by judicial order, the unamended provisions of Sections 37-13-8, 37-13-4 and 37-13-4.1, Mississippi Code of 1972, shall be enforced. However, if such temporary or permanent restraining order or injunction is subsequently stayed or dissolved or such declaration vacated or any similar court order otherwise ceases to have effect, all provisions of this act that are not declared unconstitutional or whose enforcement is not restrained shall have full force and effect.

SECTION 6. Right of intervention. The Legislature, through one or more sponsors of this act duly appointed by resolution of their respective chamber, may intervene as a matter of right in any case in which the constitutionality of this act is challenged. The Governor may also intervene as a matter of right in any case in which the constitutionality of this act is challenged.

SECTION 7. Sections 2, 3, 4, 5 and 6 of this act shall take effect from and after July 1, 2023. The amendments to Section 37-13-8, Mississippi Code of 1972, shall take effect and be in force from and after ten (10) days following the date of publication by the Attorney General of Mississippi in the administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972, that
the Attorney General has determined that the United States Supreme Court has overruled the decision of *Engel v. Vitale* 370 U.S. 421 (1962), and that it is reasonably probable that Section 37-13-8, Mississippi Code of 1972, would be upheld by the court as constitutional.

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2023.