

1 HB112
2 172702-1
3 By Representatives Fridy, Hill (M), Mooney, Ball, Williams
4 (JD), Fincher, Faulkner, South, Holmes (M), Rowe, Butler,
5 Carns and Ainsworth (Constitutional Amendment)
6 RFD: Judiciary
7 First Read: 03-FEB-16

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, to provide that
10 every parent has a fundamental right to direct the
11 upbringing, education, care, and custody of his or
12 her children and that the government may not burden
13 that fundamental right unless the government
14 demonstrates that application of the burden to the
15 parent is in furtherance of a compelling
16 governmental interest and is the least restrictive
17 means of furthering that compelling governmental
18 interest.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To propose an amendment to the Constitution of
25 Alabama of 1901, to provide that every parent has a
26 fundamental right to direct the upbringing, education, care,
27 and custody of his or her children and that the government may

1 not burden that fundamental right unless the government
2 demonstrates that the application of the burden to the person
3 is in furtherance of a compelling governmental interest and is
4 the least restrictive means of furthering that compelling
5 governmental interest.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. The following amendment to the
8 Constitution of Alabama of 1901, as amended, is proposed and
9 shall become valid as a part thereof when approved by a
10 majority of the qualified electors voting thereon and in
11 accordance with Sections 284, 285, and 287 of the Constitution
12 of Alabama of 1901, as amended:

13 PROPOSED AMENDMENT

14 (a) Every parent has a fundamental right to direct
15 the upbringing, education, care, and custody of his or her
16 child.

17 (b) Government may not burden the fundamental right
18 of a parent to direct the upbringing, education, care, and
19 custody of his or her child unless the government demonstrates
20 that the application of the burden to the parent is in
21 furtherance of a compelling governmental interest and is the
22 least restrictive means of furthering that compelling
23 governmental interest.

24 Section 2. An election upon the proposed amendment
25 shall be held in accordance with Sections 284 and 285 of the
26 Constitution of Alabama of 1901, now appearing as Sections 284
27 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

3 Section 3. The appropriate election official shall
4 assign a ballot number for the proposed constitutional
5 amendment on the election ballot and shall set forth the
6 following description of the substance or subject matter of
7 the proposed constitutional amendment:

8 "Proposing an amendment to the Constitution of
9 Alabama of 1901, to provide that every parent has a
10 fundamental right to direct the upbringing, education, care,
11 and custody of his or her children and that the government may
12 not burden that fundamental right unless the government
13 demonstrates that application of the burden to the parent is
14 in furtherance of a compelling governmental interest and is
15 the least restrictive means of furthering that compelling
16 governmental interest.

17 "Proposed by Act _____."

18 This description shall be followed by the following
19 language:

20 "Yes () No ()."