

2023 Regular Session

HOUSE BILL NO. 152

BY REPRESENTATIVE AMEDEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FAMILY LAW: (Constitutional Amendment) Provides relative to fundamental parental rights

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A JOINT RESOLUTION

Proposing to add Article I, Section 28 of the Constitution of Louisiana, relative to certain fundamental rights; to provide for fundamental parental rights; to provide for a standard of review; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article I, Section 28 of the Constitution of Louisiana, to read as follows:

§28. Parental Rights

Section 28.A. The family is essential to a free society. The relationship between parent and child is preeminent in establishing and maintaining the well-being of the child. Parents have the responsibility for providing the basic necessities of life as well as love and affection to their children. Parents have the paramount right to raise their children in accordance with their own values and traditions. Parents shall make the decisions regarding where and with whom the child shall reside, the educational, moral, ethical, and religious training of the child, the medical, psychiatric, surgical, and preventive health care of the child, and the discipline of the child. Children owe to their parents respect, obedience, and affection.

1 B. The role of the state in the family is limited and should only be asserted
 2 when there is a serious threat to the family, the parents, or the child. Extraordinary
 3 procedures established by law are meant to be used only when required by necessity,
 4 and then with due respect for the right of the parents, the children, and the institution
 5 of the family, and only to the extent that such procedures are not prohibited by this
 6 Constitution. Any law, rule, regulation, or decision which would diminish parental
 7 rights as provided in Paragraph (A) of this Section shall be subject to strict scrutiny.

8 Section 2. Be it further resolved that this proposed amendment shall be submitted
 9 to the electors of the state of Louisiana at the statewide election to be held on October 14,
 10 2023.

11 Section 3. Be it further resolved that on the official ballot to be used at the election,
 12 there shall be printed a proposition, upon which the electors of the state shall be permitted
 13 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 14 follows:

15 Do you support an amendment to provide that parents have the fundamental
 16 right to raise their children in accordance with their own values and traditions
 17 and make decisions regarding the well-being of the child? (Adds Article 1,
 18 Section 28)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 152 Engrossed

2023 Regular Session

Amedee

Abstract: Adds the fundamental right of parents to raise their children in accordance with their own values and traditions.

Proposed constitutional amendment provides that parents have the paramount right to raise their children in accordance with their own values and traditions.

Proposed constitutional amendment provides that parents shall make decisions for their children regarding where they reside, the educational, moral, ethical, and religious training of the child, the medical, psychiatric, surgical, and preventive health care of the child, and the discipline of the child.

Proposed constitutional amendment provides that the role of the state in the family is limited and should only be asserted when there is a serious threat to the family.

Proposed constitutional amendment provides that any law, rule, regulation, or decision which would diminish parental rights shall be subject to strict scrutiny.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2023.

(Adds Const. Art. I, §28)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Replace proposed law with provisions modeled after the preamble of the Children's Code.
2. Provide that parents have the paramount right to raise their children in accordance with their own values and traditions.
3. Provide that the role of the state in the family is limited and should only be asserted when there is a serious threat to the family.
4. Provide that any law, rule, regulation, or decision which would diminish parental rights shall be subject to strict scrutiny.
5. Change ballot language to reflect the changes to proposed law.