



# Senate

General Assembly

**File No. 620**

January Session, 2023

Substitute Senate Joint Resolution No. 42

*Senate, April 17, 2023*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute joint resolution ought to be adopted.

***RESOLUTION PROPOSING A STATE CONSTITUTIONAL  
AMENDMENT CONCERNING A RIGHT OF INDIVIDUAL PRIVACY.***

Resolved by this Assembly:

1 That the following be proposed as an amendment to the Constitution  
2 of the State, which, when approved and adopted in the manner  
3 provided by the Constitution, shall, to all intents and purposes, become  
4 a part thereof:

5 Article first of the Constitution is amended by adding section 21 as  
6 follows:

7 Sec. 21. The right of individual privacy is essential to the well-being  
8 of a free society and shall not be infringed without the showing of a  
9 compelling state interest. Such right shall include the right of all adults  
10 of this state to intimacy or marriage with another consenting adult  
11 regardless of sex or race, and the right of all residents of this state to  
12 reproductive freedom, including, but not limited to, the ability to make  
13 and effectuate decisions to prevent, continue or end one's own

14 pregnancy. The state may not, directly or indirectly, deny, burden or  
15 abridge such right unless justified by a compelling state interest  
16 achieved by the least restrictive means. This section is intended to  
17 further the constitutional right to not be denied the equal protection of  
18 the law guaranteed by Section 20 of this article and is not a limitation on  
19 such right.

20 RESOLVED: That the foregoing proposed amendment to the  
21 Constitution be continued to the next session of the General Assembly  
22 elected at the general election to be held on November 5, 2024, and  
23 published with the laws passed at the present session, or be presented  
24 to the electors at the general election to be held on November 5, 2024,  
25 whichever the case may be, according to article sixth of the amendments  
26 to the Constitution. The designation of said proposed amendment to be  
27 used on the ballots at such election shall be "Shall the Constitution of the  
28 State be amended to recognize a right of individual privacy, including  
29 the right of adults to intimacy and marriage with another adult  
30 regardless of sex or race and the right of all residents to reproductive  
31 freedom, and to prohibit the state from infringing such right without  
32 showing a compelling state interest?"

**Statement of Legislative Commissioners:**

In Section 21, after "equal protection", "of the law" was added for accuracy.

**GAE**      *Joint Favorable Subst.*

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

This bill has no fiscal impact. There is no direct cost associated with placing the amendment on the ballot as the election will be held on existing election days.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sSJ 42****RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT CONCERNING A RIGHT OF INDIVIDUAL PRIVACY.****SUMMARY**

This resolution proposes a constitutional amendment to recognize that the right of individual privacy is essential to the well-being of a free society and must not be infringed without showing a compelling state interest.

Under the proposed amendment, this right must include the right of all (1) adults of this state to intimacy or marriage with another consenting adult regardless of sex or race and (2) residents of this state to reproductive freedom, including the ability to make and effectuate decisions to prevent, continue, or end one's own pregnancy. The proposed amendment prohibits the state from directly or indirectly denying, burdening, or abridging this right unless justified by a compelling state interest achieved by the least restrictive means.

The resolution specifies that this amendment is intended to further, and does not limit, the right to equal protection guaranteed under the state Constitution.

The ballot designation to be used when the amendment is presented at the general election is "Shall the Constitution of the State be amended to recognize a right to individual privacy, including the right of adults to intimacy and marriage with another adult regardless of sex or race and the right of all residents to reproductive freedom and to prohibit the state from infringing such right without showing a compelling state interest?"

EFFECTIVE DATE: If the resolution passes by at least three-fourths of the membership of each house of the General Assembly, it will be placed on the 2024 general election ballot. If it passes by a majority of the membership of each house but less than three-fourths, it will be referred to the 2025 session of the legislature. If it passes in that session by a majority of each house, it will appear on the 2026 general election ballot. If a majority of those voting on the amendment in the general election approve it, the amendment will become part of the state constitution.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 12    Nay 6    (03/27/2023)