



General Assembly

***Substitute Senate Joint
Resolution No. 42***

January Session, 2023



***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
2 Constitution of the State, which, when approved and adopted in the
3 manner provided by the Constitution, shall, to all intents and
4 purposes, become 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

19 on 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
26 amendments to the Constitution. The designation of said proposed
27 amendment to be used on the ballots at such election shall be "Shall the
28 Constitution of the State be amended to recognize a right of individual
29 privacy, including the right of adults to intimacy and marriage with
30 another adult regardless of sex or race and the right of all residents to
31 reproductive freedom, and to prohibit the state from infringing such
32 right without 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.*