

HB148 INTRODUCED



1 HB148
2 HG17788-1
3 By Representative Paschal (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 12-Jan-26



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4 SYNOPSIS:

5 Existing state statute enacted by the
6 Legislature in 2023 recognizes the fundamental rights
7 of parents to direct the education, upbringing, care,
8 and control of their children and references the
9 recognition of those parental rights by the Alabama
10 Supreme Court and the United States Supreme Court.

11 This bill would propose an amendment to the
12 Constitution of Alabama of 2022, to provide that: (i)
13 parents have a fundamental right to direct the
14 education, upbringing, care, custody, and control of
15 their children; and (ii) the government may not burden
16 that right unless the government demonstrates that the
17 burden as applied to the parent is in furtherance of a
18 compelling government interest and the government uses
19 the least restrictive means possible to further that
20 interest.

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23 A BILL
24 TO BE ENTITLED
25 AN ACT

26
27 Proposing an amendment to the Constitution of Alabama
28 of 2022, to provide that parents have a fundamental right to



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29 direct the education, upbringing, care, custody, and control
30 of their children; and to provide that the government may not
31 burden certain fundamental rights of parents.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. The following amendment to the Constitution
34 of Alabama of 2022, is proposed:

35 PROPOSED AMENDMENT

39 (b) The government may not burden the fundamental right
40 of a parent to direct the education, upbringing, care,
41 custody, and control of his or her child unless the government
42 demonstrates that the application of the burden as applied to
43 the parent is in furtherance of a compelling governmental
44 interest and the government uses the least restrictive means
45 possible to further that interest.

Upon ratification of this constitutional amendment, the
Code Commissioner shall number and place this amendment as
appropriate in the constitution omitting this instructional
paragraph and may make the following nonsubstantive revisions:
change capitalization, hierarchy, spelling, and punctuation
for purposes of style and uniformity; correct manifest
grammatical, clerical, and typographical errors; revise
internal or external citations and cross-references; harmonize
language; and translate effective dates.

END OF PROPOSED AMENDMENT

56 Section 2. An election upon the proposed amendment



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57 shall be held in accordance with Sections 284 and 285 of the
58 Constitution of Alabama of 2022, and the election laws of this
59 state. The appropriate election official shall assign a ballot
60 number for the proposed constitutional amendment on the
61 election ballot and shall set forth the following description
62 of the substance or subject matter of the proposed
63 constitutional amendment:

64 "Proposing an amendment to the Constitution of Alabama
65 of 2022, to provide that each parent has a fundamental right
66 to direct the education, upbringing, care, custody, and
67 control of his or her children, and that the government may
68 not burden that fundamental right unless the government
69 demonstrates that the application of the burden as applied to
70 the parent is in furtherance of a compelling governmental
71 interest and uses the least restrictive means possible to
72 further that interest.

73 Proposed by Act ____."

74 This description shall be followed by the following
75 language:

76 "Yes() No()."

77 Section 3. The proposed amendment shall become valid as
78 a part of the Constitution of Alabama of 2022, when approved
79 by a majority of the qualified electors voting thereon.