

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 162

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; REPEALING SECTION 33-1604, IDAHO CODE, RELATING TO
2 BIBLE READING IN PUBLIC SCHOOLS; AMENDING CHAPTER 16, TITLE 33, IDAHO
3 CODE, BY THE ADDITION OF A NEW SECTION 33-1604, IDAHO CODE, TO PROVIDE
4 A SHORT TITLE; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDI-
5 TION OF A NEW SECTION 33-1604A, IDAHO CODE, TO PROVIDE A STATEMENT OF
6 INTENT; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF
7 A NEW SECTION 33-1604B, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
8 SCHOOL-SPONSORED BIBLE READING; AMENDING CHAPTER 16, TITLE 33, IDAHO
9 CODE, BY THE ADDITION OF A NEW SECTION 33-1604C, IDAHO CODE, TO ESTAB-
10 LISH PROVISIONS REGARDING CONSCIENCE PROTECTIONS; AMENDING CHAPTER 16,
11 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1604D, IDAHO
12 CODE, TO ESTABLISH PROVISIONS REGARDING INJUNCTIVE RELIEF; AND DECLAR-
13 ING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Section [33-1604](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 33-1604, Idaho Code, and to read as follows:

21 33-1604. SHORT TITLE. This section through section 33-1604D, Idaho
22 Code, shall be known and may be cited as the "School-Sponsored Bible Reading
23 Act."

24 SECTION 3. That Chapter 16, Title 33, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 33-1604A, Idaho Code, and to read as follows:

27 33-1604A. STATEMENT OF INTENT. The legislature finds and declares
28 that:

29 (1) The Bible is the most important book in the world, molds public
30 morality, impacts history, and contains unequalled literary value.

31 (2) The King James version of the Bible is the best-selling book in
32 world history and has had an immeasurable impact on Anglo-American culture
33 and the English language. The King James version, its revision in the new
34 King James version, and the revised standard version are widely studied and
35 utilized by many diverse religions and denominations and therefore are con-
36 sidered nonsectarian.

37 (3) Early Americans understood the importance of daily school Bible
38 reading as essential to maintaining an educated and virtuous society and
39 therefore implemented the practice in the American colonies and American
40 states.

1 (4) The framers of both the United States constitution and the consti-
2 tution of the state of Idaho avowed that republican self-government in our
3 constitutional system could not function with a biblically illiterate popu-
4 lace.

5 (5) Section 24, article III of the constitution of the state of Idaho
6 affirms the bedrock principle that the "first concern of all good government
7 is the virtue and sobriety of the people" and further directs the Idaho leg-
8 islature to enact policies that promote temperance and morality.

9 (6) The supreme court of the United States recognized the practice of
10 school Bible reading in *Vidal v. Girard's Executors* (1844).

11 (7) Idaho public school children heard the Bible read in their school
12 classrooms for nearly one hundred (100) years.

13 (8) The Idaho legislature adopted a statewide policy in 1925 that re-
14 quired the Bible to be read in public schools without instruction or comment.

15 (9) The supreme court of the United States ruled for the first time in
16 *Abington School District v. Schempp* (1963) that school-sponsored Bible
17 reading violated the first and fourteenth amendments to the United States
18 constitution, using purpose and effect analysis that eventually became part
19 of Lemon test jurisprudence.

20 (10) The practice of daily school Bible reading in Idaho continued un-
21 til *Adams v. Engelking* (1964), when the United States district court for the
22 district of Idaho relied on the decision of the supreme court of the United
23 States in the *Abington* case in declaring section 33-1604, Idaho Code, uncon-
24 constitutional under the first and fourteenth amendments to the United States
25 constitution.

26 (11) In *Kennedy v. Bremerton School District* (2022), the supreme court
27 of the United States abandoned the Lemon test, instead holding that the es-
28 tablishment clause of the first amendment to the United States constitution
29 "must be interpreted by reference to historical practices and understand-
30 ings."

31 (12) Daily Bible reading in schools, without instruction or comment, is
32 part of the historical practices of early Idaho and other American states
33 and is consistent with the original meaning and history of the establishment
34 clause of the United States constitution.

35 (13) As a result of this shift in establishment clause jurisprudence,
36 *Abington* and *Adams* should no longer be given deference as binding precedent.

37 (14) Federal and state law has historically provided reasonable accom-
38 modations to individuals with religious or conscience-based objections to
39 generally applicable laws.

40 (15) Therefore, the state of Idaho asserts its interest in requiring the
41 Bible to be read daily, without comment or interpretation, in every public
42 school classroom, consistent with the history and tradition of our state and
43 nation.

44 SECTION 4. That Chapter 16, Title 33, Idaho Code, be, and the same is
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
46 ignated as Section 33-1604B, Idaho Code, and to read as follows:

47 33-1604B. SCHOOL-SPONSORED BIBLE READING. Selections from the King
48 James version, the new King James version, or the revised standard version
49 of the Bible shall be read each morning of each instructional day in each

1 occupied classroom in all public school districts. Such reading shall be
2 without comment or interpretation. Each school district shall organize the
3 daily selections in such a way that the entire Bible is read sequentially and
4 completed over ten (10) school years. Any question by any pupil relating to
5 the Bible reading shall be referred to the pupil's parent or guardian.

6 SECTION 5. That Chapter 16, Title 33, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 33-1604C, Idaho Code, and to read as follows:

9 33-1604C. CONSCIENCE PROTECTIONS. A public school shall provide a
10 reasonable accommodation for daily Bible reading to the following:

11 (1) Any teacher who is unwilling to read the Bible on religious or con-
12 science-based grounds, in which case the selections shall be read by another
13 person each morning of each instructional day in each occupied classroom in
14 all public school districts pursuant to section 33-1604B, Idaho Code; and

15 (2) Any student whose parent or guardian provides a written request to
16 the school to be exempted from daily Bible readings.

17 SECTION 6. That Chapter 16, Title 33, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 33-1604D, Idaho Code, and to read as follows:

20 33-1604D. INJUNCTIVE RELIEF. A resident of the public school dis-
21 trict, a parent of a student enrolled in the public school district, an
22 employee of the public school district, the state superintendent of public
23 instruction, or the attorney general shall have a cause of action for injunc-
24 tive relief against any school district that violates the provisions of sec-
25 tion 33-1604B or 33-1604C, Idaho Code. The injunction shall be sufficient
26 to prevent the defendant school district from violating the requirements of
27 sections 33-1604B and 33-1604C, Idaho Code.

28 SECTION 7. An emergency existing therefor, which emergency is hereby
29 declared to exist, this act shall be in full force and effect on and after
30 July 1, 2025.