

Senate Bill 302

By: Senators Parent of the 42nd, Jones II of the 22nd, Jackson of the 2nd, Williams of the 39th, Butler of the 55th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated,
2 relating to state and other flags, so as to provide that local governments may relocate,
3 remove, conceal, obscure, or alter certain monuments; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state
8 and other flags, is amended by revising subsection (b) of Code Section 50-3-1, relating to
9 description of state flag, militia to carry flag, defacing public monuments, and obstruction
10 of Stone Mountain, as follows:

11 "(b)(1) It shall be unlawful for any person, firm, corporation, or other entity to mutilate,
12 deface, defile, or abuse contemptuously any publicly owned monument, plaque, marker,
13 or memorial which is dedicated to, honors, or recounts the military service of any past or
14 present military personnel of this state, the United States of America or the several states
15 thereof, or the Confederate States of America or the several states thereof, and no officer,
16 body, or representative of state or local government or any department, agency, authority,
17 or instrumentality thereof shall remove or conceal from display any such monument,
18 plaque, marker, or memorial for the purpose of preventing the visible display of the same
19 without a duly adopted resolution of the public entity owning such monument, plaque,
20 marker, or memorial authorizing such monument, plaque, marker, or memorial to be
21 removed or concealed from display. A violation of this paragraph shall constitute a
22 misdemeanor.

23 (2) No publicly owned monument or memorial erected, constructed, created, or
24 maintained on the public property of this state or its agencies, departments, authorities,
25 or instrumentalities in honor of the military service of any past or present military
26 personnel of this state, the United States of America or the several states thereof, or the

Confederate States of America or the several states thereof shall be relocated, removed, concealed, obscured, or altered in any fashion without a duly adopted resolution of the public entity owning such monument or memorial authorizing such monument or memorial to be relocated, removed, concealed, obscured, or altered; provided, however, that appropriate measures for the preservation, protection, and interpretation of such monuments or memorials shall not be prohibited.

(3) Conduct prohibited by paragraphs (1) and (2) of this subsection shall be enjoined by the appropriate superior court upon proper application therefor.

(4) It shall be unlawful for any person, firm, corporation, or other entity acting without authority to mutilate, deface, defile, abuse contemptuously, relocate, remove, conceal, or obscure any privately owned monument, plaque, marker, or memorial which is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States of America or the several states thereof, or the Confederate States of America or the several states thereof, provided that, if such monument, plaque, marker, or memorial is located on public property, the public entity owning such public property may remove from display and return such monument, plaque, marker, or memorial to the private entity owning such monument, plaque, marker, or memorial upon the adoption of a resolution by such public entity authorizing such removal and return. Any person or entity ~~who~~ that suffers injury or damages as a result of a violation of this paragraph may bring an action individually or in a representative capacity against the person or persons committing such violations to seek injunctive relief and to recover general and exemplary damages sustained as a result of such person's or persons' unlawful actions."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.