

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3033

(SENATE AUTHORS: WESTROM)

DATE
03/22/2023

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; clarifying the altering of a flag; clarifying use of the Stars
1.3 and Stripes flag design; amending Minnesota Statutes 2022, section 609.40,
1.4 subdivisions 1, 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 609.40, subdivision 1, is amended to read:

1.7 Subdivision 1. ~~Definition~~ **Definitions.** In For the purposes of this section, the following
1.8 terms have the meanings given:

1.9 (1) "altered" means the changed appearance of a flag that is made by a person:

1.10 (i) without the approval of the private owner of the flag; or

1.11 (ii) without the approval of the public owner of the flag and changing the appearance
1.12 of the flag is not a part of expressive conduct protected under the Minnesota Constitution
1.13 or United States Constitution; and

1.14 (2) "flag" means anything which is or purports to be the Stars and Stripes, the United
1.15 States shield, the United States coat of arms, the Minnesota state flag, or a copy, picture,
1.16 or representation of any of them.

1.17 Sec. 2. Minnesota Statutes 2022, section 609.40, subdivision 3, is amended to read:

1.18 Subd. 3. **Exceptions.** This section does not apply to:

1.19 (1) flags depicted on written or printed documents or periodicals or on stationery,
1.20 ornaments, pictures, or jewelry, provided there are not unauthorized words or designs on
1.21 such flags and provided the flag is not connected with any advertisement; and

- 2.1 (2) flags inspired by the Stars and Stripes, including but not limited to support flags
- 2.2 depicting black and white coloring with a colored line and black and silver colored military
- 2.3 flag patches.