

House Bill 640

By: Representatives Benton of the 31<sup>st</sup>, Bearden of the 68<sup>th</sup>, England of the 108<sup>th</sup>, Hatfield of the 177<sup>th</sup>, and McCall of the 30<sup>th</sup>

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 certain protections for statues, monuments,  
3 plaques, banners, structures, and other commemorative symbols; to provide certain  
4 requirements for several government entities regarding statues, monuments, plaques,  
5 banners, structures, and other commemorative symbols; to provide for related matters; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "(b)(1) It shall be unlawful for any person, firm, corporation, or other entity to mutilate,  
13 deface, defile, or abuse contemptuously any publicly owned statue, monument, plaque,  
14 marker, flag, banner, structure name, display, or memorial which is located on real  
15 property owned by the State of Georgia or any of its departments, boards, commissions,  
16 authorities, or instrumentalities, or any county or municipal government or their  
17 departments, boards, commissions, or authorities, local boards of education, the board of  
18 regents, or any institution at the University System of Georgia dedicated to a historical  
19 entity, event or series of events, nation, or government, and which honors; or recounts the  
20 military service or other service of any past or present military personnel or citizen of this  
21 state, the United States of America or the several states thereof, or the Confederate States  
22 of America or the several states thereof, and no officer, body, or representative of state  
23 or local government, county or municipal government, local board of education, the  
24 board of regents, or any institution of the University System of Georgia or any  
25 department, agency, authority, or instrumentality thereof shall remove or conceal from  
26 display any such monument, plaque, marker, flag, banner, building name, display, or

1 memorial for the purpose of preventing the visible display of the same. A violation of  
2 this paragraph shall constitute a misdemeanor.

3 (2) No publicly owned statue, monument, or memorial, plaque, marker, flag, banner,  
4 structure name, or display erected, constructed, created, or maintained on ~~the public~~ real  
5 property owned by the State of Georgia of this state or its agencies, departments,  
6 authorities, or instrumentalities, or any county or municipal government, local board of  
7 education, the board of regents, or any institution of the University System of Georgia  
8 which is dedicated to a historical entity, event or series of events, nation, or government,  
9 or which honors or recounts the military service or other service in honor of the military  
10 service of any past or present military personnel or citizen of this state, the United States  
11 of America or the several states thereof, or the Confederate States of America or the  
12 several states thereof shall be relocated, removed, concealed, obscured, or altered in any  
13 fashion by any officer, body, or representative of any county or municipal government,  
14 local board of education, the board of regents, or any institution of the University System  
15 of Georgia or any of such entities' respective departments, boards, commissions,  
16 authorities, or instrumentalities; provided, however, that appropriate measures for the  
17 preservation, protection, and interpretation of such monuments or memorials shall not be  
18 prohibited.

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

21 (4) ~~It~~ With exception of the lawful owners of real property housing any privately owned  
22 property protected by this subsection, it shall be unlawful for any person, firm,  
23 corporation, or other entity acting without authority to mutilate, deface, defile, abuse  
24 contemptuously, relocate, remove, conceal, or obscure any privately owned statue,  
25 monument, plaque, marker, flag, banner, structure name, display, or memorial which is  
26 located on privately owned real property and which is dedicated to, honors, or recounts  
27 the military service or other service of any past or present military personnel or citizen  
28 of this state, the United States of America or the several states thereof, or the Confederate  
29 States of America or the several states thereof. Any person or entity who suffers injury  
30 or damages as a result of a violation of this paragraph may bring an action individually  
31 or in a representative capacity against the person or persons committing such violations  
32 to seek injunctive relief and to recover general and exemplary damages sustained as a  
33 result of such person's or persons' unlawful actions.

34 (5) Nothing in this Act shall prevent the state, county, or municipal governments,  
35 including their departments, boards, commissions, authorities, or instrumentalities, or an  
36 institution of the University System of Georgia from relocating statues, monuments,  
37 plaques, markers, flags, banners, or displays described in this Code section provided such

1 relocations are required for the construction or expansion or other alteration of edifices,  
2 buildings, roads, streets, highways, or other transportation construction project or  
3 projects. Any statue, monument, plaque, marker, flag, banner, or display relocated  
4 pursuant to this Code section shall be relocated to a site of similar prominence, honor,  
5 visibility, availability, and access within the same jurisdiction from which it is to be  
6 moved and such statue or historic symbol shall not be relocated to a museum, cemetery,  
7 or mausoleum, unless its original location was within a cemetery, museum, or  
8 mausoleum."

9 **SECTION 2.**

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