

By: Senator(s) McDaniel

To: Rules

SENATE BILL NO. 2592

1 AN ACT TO AMEND SECTIONS 3-3-15 AND 37-13-5, MISSISSIPPI CODE  
 2 OF 1972, TO REQUIRE THE STATE FLAG TO BE DISPLAYED IF THE UNITED  
 3 STATES FLAG IS DISPLAYED FROM ALL PUBLIC BUILDINGS OWNED OR LEASED  
 4 BY A PUBLIC UNIVERSITY, COLLEGE OR SCHOOL DISTRICT; TO PROVIDE A  
 5 STATUTORY PENALTY AGAINST THE AGENCY HEAD, UNIVERSITY PRESIDENT OR  
 6 SCHOOL DISTRICT SUPERINTENDENT FOR ANY STATE AGENCY, UNIVERSITY,  
 7 COLLEGE OR SCHOOL DISTRICT THAT DOES NOT DISPLAY THE STATE FLAG  
 8 AND UNITED STATES FLAG; TO AUTHORIZE ANY MISSISSIPPI CITIZEN TO  
 9 SEEK AN INJUNCTION TO ENFORCE THIS ACT; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 3-3-15, Mississippi Code of 1972, is  
 12 amended as follows:

13 3-3-15. (1) If the United States Flag is displayed, the  
 14 state flag \* \* \* shall also be displayed from all public buildings  
 15 in the State of Mississippi from sunrise to sunset \* \* \*. For  
 16 purposes of this section, "public buildings" means any building  
 17 owned or leased by (a) a state agency, (b) a county, (c) a  
 18 municipality, (d) a state-supported university or community  
 19 college, (e) a public school district, and (f) any other political  
 20 subdivision of the State of Mississippi. Any state agency,  
 21 state-supported university, community college, or public school



22 that does not display the state flag as required under this  
23 section shall be subject to a penalty as follows: the Governor  
24 shall direct (a) the State Department of Finance and  
25 Administration to withhold one hundred percent (100%) of that  
26 state agency director's monthly salary, or (b) the Board of  
27 Trustees of State Institutions of Higher Learning to reduce that  
28 university or college president's monthly salary by one hundred  
29 percent (100%), or (c) the local school board to reduce that  
30 school superintendant's monthly salary by one hundred percent  
31 (100%), as the case may be, until such time as the state agency,  
32 university, college or public school district complies with the  
33 requirements of this section. However, the state flag may be  
34 displayed from all public buildings twenty-four (24) hours a day  
35 if properly illuminated. The state flag should not be displayed  
36 when the weather is inclement, except when an all-weather flag is  
37 displayed. The state flag shall receive all of the respect and  
38 ceremonious etiquette given the American flag. Provided, however,  
39 nothing in this section shall be construed so as to affect the  
40 precedence given to the flag of the United States of America.

41 (2) Any citizen of the State of Mississippi may seek an  
42 injunction in the court with proper jurisdiction to enforce the  
43 provisions of this section. Any citizen who prevails in the award  
44 of an injunction or settlement in an action brought under this  
45 section shall be entitled to court costs and attorney's fees.



46           **SECTION 2.** Section 37-13-5, Mississippi Code of 1972, is  
47 amended as follows:

48           37-13-5. (1) The flag of the State of Mississippi and the  
49 flag of the United States shall be displayed in close proximity to  
50 the school building at all times during the hours of daylight when  
51 the school is in session when the weather will permit without  
52 damage to the flag. It shall be the duty of the board of trustees  
53 of the school district to provide for the flags and their display  
54 in compliance with the provisions of Section 3-3-15, Mississippi  
55 Code of 1972.

56           (2) Whenever the flag of the United States is to be flown at  
57 half-staff by order or instructions of the President or pursuant  
58 to federal law, all public schools shall lower the United States  
59 flag in accordance with the executive order or instructions or  
60 federal law. The school shall announce the reason that the flag  
61 is being flown at half-staff to all students in assembly or by  
62 teachers in the various classrooms or by prominently displaying  
63 written notice throughout the school stating the reason that the  
64 flag has been lowered.

65           (3) In all public schools there shall be given a course of  
66 study concerning the flag of the United States and the flag of the  
67 State of Mississippi. The course of study shall include the  
68 history of each flag and what they represent and the proper  
69 respect therefor. There also shall be taught in the public



70 schools the duties and obligations of citizenship, patriotism,  
71 Americanism and respect for and obedience to law.

72         **SECTION 3.** This act shall take effect and be in force from  
73 and after July 1, 2017.

