

By: Representatives Arnold, Barnett,  
Hopkins, Eubanks

To: Public Property

HOUSE BILL NO. 281

1 AN ACT TO CREATE NEW SECTION 29-5-106, MISSISSIPPI CODE OF  
2 1972, TO PROHIBIT THE REMOVAL OF RELIGIOUS STRUCTURES WITH  
3 HISTORICAL SIGNIFICANCE FROM PUBLIC PROPERTY; TO BRING FORWARD  
4 SECTIONS 29-5-79, 29-5-87, 29-5-105, 39-7-3, 39-7-4, 39-7-7,  
5 39-7-15, 39-7-33, 39-13-17, 55-15-81, 65-7-23 AND 97-17-39,  
6 MISSISSIPPI CODE OF 1972, WHICH RELATE TO CERTAIN PROHIBITIONS AND  
7 REQUIREMENTS REGARDING PUBLIC BUILDINGS, PUBLIC PROPERTY AND  
8 CERTAIN HISTORICALLY SIGNIFICANT STRUCTURES, FOR PURPOSES OF  
9 AMENDMENT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The following shall be codified as Section  
12 29-5-106, Mississippi Code of 1972:

13 29-5-106. (1) For the purposes of this section, the  
14 following terms shall be defined as provided in this section,  
15 unless the context otherwise requires:

16 (a) "Public property" means any property that is owned  
17 or leased by the state or any agency, department, institution or  
18 political subdivision of the state.

19 (b) "Historical significance" has the same meaning as  
20 the term "historical significance" as provided in Section 39-7-4.



21 (2) Except as provided in subsections (3) and (4) of this  
22 section, it shall be unlawful to remove, relocate, disturb, alter,  
23 rename or rededicate any religious symbol, display, implement,  
24 monument, marker, structure, item or object with historical  
25 significance from any public property.

26 (3) The governing body having jurisdiction over the public  
27 property must take proper measures and exercise proper means for  
28 any necessary maintenance, protection, preservation, care, repair  
29 or restoration of religious symbols, displays, implements,  
30 monuments, markers, structures, items or objects with historical  
31 significance that are located on the public property.

32 **SECTION 2.** Section 29-5-79, Mississippi Code of 1972, is  
33 brought forward as follows:

34 29-5-79. (1) The Speaker of the House of Representatives  
35 and the Lieutenant Governor are authorized to make such  
36 regulations as they may deem necessary for preserving the peace  
37 and securing the State Capitol from defacement, and for the  
38 protection of the property therein. The Lieutenant Governor or  
39 the Speaker of the House of Representatives may request the  
40 assistance of the Office of General Services and the State  
41 Department of Public Safety in order to preserve the peace at the  
42 State Capitol and secure the State Capitol from defacement, and  
43 for the protection of the property therein.

44 (2) All regulations promulgated under authority of this  
45 section shall be filed with the Secretary of State and be made



46 available for public inspection; such regulation shall likewise be  
47 published in one (1) of the daily newspapers of the City of  
48 Jackson, and shall not become effective until the expiration of  
49 ten (10) days after the date of such filing with the Secretary of  
50 State and such publication.

51 **SECTION 3.** Section 29-5-87, Mississippi Code of 1972, is  
52 brought forward as follows:

53 29-5-87. It is forbidden to step or climb upon, remove, or  
54 in any way injure any statue, seat, wall, fountain, or other  
55 erection or architectural feature, or any tree, shrub, plant, or  
56 turf in such grounds.

57 **SECTION 4.** Section 29-5-105, Mississippi Code of 1972, is  
58 brought forward as follows:

59 29-5-105. (1) "In God We Trust" and the Ten Commandments  
60 may be displayed in all public buildings at the discretion of the  
61 governing authorities.

62 (2) The Beatitudes and the Ten Commandments may be displayed  
63 on any government property in Mississippi.

64 **SECTION 5.** Section 39-7-3, Mississippi Code of 1972, is  
65 brought forward as follows:

66 39-7-3. It is hereby declared to be the public policy and in  
67 the public interest of the State of Mississippi to locate,  
68 protect, and preserve all sites, objects, buildings, shipwrecks,  
69 and locations of historical, archaeological, or architectural  
70 significance, including, but not limited to historically or



71 architecturally significant buildings, structures relating to  
72 significant engineering accomplishments, prehistoric and  
73 historical American Indian or aboriginal campsites, dwellings, and  
74 habitation sites, archaeological sites of every character,  
75 treasure imbedded in the earth, sunken or abandoned ships and  
76 wrecks of the sea or any part or the contents thereof, maps,  
77 records, documents, books, artifacts, and implements of culture in  
78 any way related to the inhabitants, prehistory, history, natural  
79 history, government, or culture in, on or under any of the lands,  
80 tidelands, submerged lands, and bed of the sea within the  
81 jurisdiction of the State of Mississippi.

82         **SECTION 6.** Section 39-7-4, Mississippi Code of 1972, is  
83 brought forward as follows:

84         39-7-4. For the purpose of this chapter, the following  
85 definitions shall apply:

86             (a) "Historical significance" means that quality or  
87 qualities associated with events that have made a significant  
88 contribution to the broad patterns of state, local or national  
89 history, or that quality or qualities associated with the lives of  
90 persons significant in local, state or national history.

91             (b) "Architectural significance" means the qualities  
92 which embody the distinctive characteristics of type, period or  
93 method of construction, or that represent the work of a master, or  
94 that possess high artistic value.



95 (c) "Archeological significance" means possessing the  
96 quality or qualities which have yielded, or may be likely to  
97 yield, information important in Mississippi prehistory or history.

98 (d) "Department" means the Mississippi Department of  
99 Archives and History.

100 (e) "Board" means the Board of Trustees of the  
101 Mississippi Department of Archives and History.

102 (f) "Agency" means any administrative division of the  
103 State of Mississippi, its counties, cities or political  
104 subdivisions thereof.

105 (g) "Restoration" means the returning of an object,  
106 building, structure or site to a prior condition or to an original  
107 historic appearance.

108 **SECTION 7.** Section 39-7-7, Mississippi Code of 1972, is  
109 brought forward as follows:

110 39-7-7. The duties of the board shall be to determine the  
111 site of and to designate Mississippi Landmarks; to remove from  
112 such designation certain of such sites as hereinafter provided; to  
113 contract or otherwise provide for the discovery and salvage  
114 operations herein covered; to consider the requests for and issue  
115 the permits hereinafter provided for; and to protect and preserve  
116 the archaeological, historical and architectural resources of the  
117 State of Mississippi. The board shall be the legal custodian of  
118 all items hereinafter described which have been recovered and  
119 retained by the State of Mississippi, and shall maintain an



120 inventory of such items showing the description and depository  
121 thereof.

122         **SECTION 8.** Section 39-7-15, Mississippi Code of 1972, is  
123 brought forward as follows:

124         39-7-15. Upon majority vote of the board any Mississippi  
125 Landmark on public or private land may be determined to be of no  
126 further historical, archaeological, or architectural significance,  
127 or not of sufficient significance to warrant its further  
128 classification as such, and upon such determination it may be  
129 removed from such designation. In the case of sites located on  
130 private land that have theretofore been designated by instrument  
131 of record, the board is authorized to cause to be executed and  
132 recorded in the deed records of the county where such site is  
133 located an instrument setting out such determination and releasing  
134 the site from the provisions thereof.

135         **SECTION 9.** Section 39-7-33, Mississippi Code of 1972, is  
136 brought forward as follows:

137         39-7-33. It shall be unlawful for any person, not being the  
138 owner thereof, and without lawful authority, to willfully injure,  
139 disfigure, remove or destroy any historical structure, monument,  
140 marker, medallion, or artifact.

141         **SECTION 10.** Section 39-13-17, Mississippi Code of 1972, is  
142 brought forward as follows:

143         39-13-17. Any person who violates any of the provisions of  
144 this chapter shall be guilty of a misdemeanor and, upon



145 conviction, shall be fined not less than Ten Dollars (\$10.00) nor  
146 more than Five Hundred Dollars (\$500.00).

147 Each day that a violation continues to exist shall constitute  
148 a separate offense.

149 **SECTION 11.** Section 55-15-81, Mississippi Code of 1972, is  
150 brought forward as follows:

151 55-15-81. (1) None of the following items, structures or  
152 areas may be relocated, removed, disturbed, altered, renamed or  
153 rededicated: any Revolutionary War, War of 1812, Mexican-American  
154 War, War Between the States, Spanish-American War, World War I,  
155 World War II, Korean War, Vietnam War, Persian Gulf War, War in  
156 Iraq or Native American War's statues, monuments, memorials or  
157 nameplates (plaques), which have been erected on public property  
158 of the state or any of its political subdivisions, such as local,  
159 municipal or county owned public areas, and any statues,  
160 monuments, memorials, nameplates (plaques), schools, streets,  
161 bridges, buildings, parks preserves, reserves or other public  
162 items, structure or areas of the state or any of its political  
163 subdivisions, such as, local, municipal or county owned public  
164 areas, which has been dedicated in memory of, or named for, any  
165 historical military figure, historical military event, military  
166 organization or military unit.

167 (2) No person may prevent the public body responsible for  
168 maintaining any of the items, structures or areas described above  
169 from taking proper measures and exercising proper means for the



170 protection, preservation, care, repair or restoration of those  
171 items, structures or areas. The governing body may move the  
172 memorial to a more suitable location if it is determined that the  
173 location is more appropriate to displaying the monument.

174 (3) This section shall not apply to items, structures or  
175 areas located on property owned or acquired by the Mississippi  
176 Transportation Commission which may interfere with the  
177 construction, maintenance or operation of public transportation  
178 facilities.

179 **SECTION 12.** Section 65-7-23, Mississippi Code of 1972, is  
180 brought forward as follows:

181 65-7-23. (1) Any person willfully defacing, removing,  
182 marring, damaging or destroying any sign or guide board, including  
183 any railroad crossing sign or flasher signal, or other traffic  
184 control device erected as provided shall be guilty of a  
185 misdemeanor and, upon conviction thereof, shall be liable for the  
186 actual cost of replacing or repairing such sign and shall be fined  
187 not less than Two Hundred Dollars (\$200.00) nor more than Five  
188 Hundred Dollars (\$500.00), or be imprisoned in the county jail not  
189 more than six (6) months, or be punished by both such fine and  
190 imprisonment. If the offender is a minor, the parents of such  
191 minor shall be civilly liable in accordance with Section 93-13-2  
192 for the actual cost of replacing or repairing the sign, signal or  
193 device.





194           (2) The penalties prescribed in subsection (1) of this  
195 section shall also be applicable to any person, and to the parents  
196 of any minor, who willfully defaces, mars or damages any bridge,  
197 underpass or overpass.

198           (3) Any person who violates subsection (1) of this section  
199 regarding a memorial, other historical or cultural marker or sign,  
200 the value of which is Five Hundred Dollars (\$500.00) or more,  
201 shall be guilty of a misdemeanor, and, upon conviction, shall be  
202 imprisoned in the county jail for up to six (6) months or fined  
203 up to One Thousand Dollars (\$1,000.00), or both. Such person  
204 shall also be ordered to make full restitution.

205           **SECTION 13.** Section 97-17-39, Mississippi Code of 1972, is  
206 brought forward as follows:

207           97-17-39. If any person, by any means whatever, shall  
208 willfully or mischievously injure or destroy any of the burial  
209 vaults, urns, memorials, vases, foundations, bases or other  
210 similar items in a cemetery, or injure or destroy any of the work,  
211 materials, or furniture of any courthouse or jail, or other public  
212 building, or schoolhouse or church, or deface any of the walls or  
213 other parts thereof, or shall write, or make any drawings or  
214 character, or do any other act, either on or in said building or  
215 the walls thereof, or shall deface or injure the trees, fences,  
216 pavements, or soil, on the grounds belonging thereto, or an  
217 ornamental or shade tree on any public road or street leading



218 thereto, such person, upon conviction, for such offense, shall be  
219 punished as follows:

220 (a) If the damage caused by the destruction or  
221 defacement of such property has a value of less than Five Hundred  
222 Dollars (\$500.00), any person who is convicted of this offense may  
223 be fined not more than One Thousand Dollars (\$1,000.00) or be  
224 imprisoned in the county jail for not more than one (1) year, or  
225 both if the court finds substantial and compelling reasons why the  
226 offender cannot be safely and effectively supervised in the  
227 community, is not amenable to community-based treatment, or poses  
228 a significant risk to public safety. If such a finding is not  
229 made, the court shall suspend the sentence of imprisonment and  
230 impose a period of probation not exceeding one (1) year or a fine  
231 of not more than One Thousand Dollars (\$1,000.00), or both. Any  
232 person convicted of a third or subsequent offense under this  
233 subsection where the value of the property is not less than Five  
234 Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary  
235 for a term not exceeding three (3) years or fined an amount not  
236 exceeding Two Thousand Dollars (\$2,000.00), or both.

237 (b) If the damage caused by the destruction or  
238 defacement of such property has a value equal to or exceeding Five  
239 Hundred Dollars (\$500.00) or more but less than Five Thousand  
240 Dollars (\$5,000.00), any person who is convicted of this offense  
241 shall be fined not more than Five Thousand Dollars (\$5,000.00) or



242 be imprisoned in the State Penitentiary for up to five (5) years,  
243 or both.

244 (c) If the damage caused by the destruction or  
245 defacement of such property has a value of Five Thousand Dollars  
246 (\$5,000.00) or more but less than Twenty-five Thousand Dollars  
247 (\$25,000.00), any person who is convicted of this offense shall be  
248 fined not more than Ten Thousand Dollars (\$10,000.00) or be  
249 imprisoned in the Penitentiary for up to ten (10) years, or both.

250 (d) If the damage caused by the destruction or  
251 defacement of such property has a value of Twenty-five Thousand  
252 Dollars (\$25,000.00) or more, any person who is convicted of this  
253 offense shall be fined not more than Ten Thousand Dollars  
254 (\$10,000.00) or be imprisoned in the Penitentiary for up to twenty  
255 (20) years, or both.

256 **SECTION 14.** This act shall take effect and be in force from  
257 and after July 1, 2018.

