

By: Senator(s) Seymour

To: Rules; Public Property

SENATE BILL NO. 2043

1 AN ACT TO AMEND SECTION 55-15-81, MISSISSIPPI CODE OF 1972,
 2 TO CLARIFY THE PROVISIONS OF THE STATUTORY PROHIBITION AGAINST THE
 3 ALTERATION OF HISTORICAL MONUMENTS AND MEMORIALS LOCATED ON PUBLIC
 4 PROPERTY; TO PROHIBIT THE RENAMING OR REDEDICATION OF CERTAIN
 5 STATUTES, MONUMENTS, SCHOOLS, STREETS, PARKS OR SIMILAR STRUCTURES
 6 NAMED IN HONOR OF CERTAIN MILITARY UNITS, FIGURES OR EVENTS; TO
 7 PROVIDE CRIMINAL SANCTIONS FOR VIOLATION OF THIS STATUTE; TO
 8 PROVIDE THAT THIS SECTION SHALL BE KNOWN AS THE "MISSISSIPPI
 9 HERITAGE PROTECTION ACT OF 2020"; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 55-15-81, Mississippi Code of 1972, is
 12 amended as follows:

13 55-15-81. (1) This section shall be known and may be cited
 14 as the "Mississippi Heritage Protection Act of 2020."

15 (* * *2) None of the following items, structures or areas
 16 may be relocated, removed, disturbed, altered, renamed * * *,
 17 rededicated, defaced or otherwise disturbed: any American
 18 Revolutionary War, War of 1812, Mexican-American War, War Between
 19 the States, Spanish-American War, World War I, World War II,
 20 Korean * * * Conflict, Vietnam War, Persian Gulf War I (Operation
 21 Desert Shield/Desert Storm), Persian Gulf War II (Operation Iraqi



22 Freedom, Operation Enduring Freedom (Afghanistan), * * * or Native
23 American War's statues, monuments, memorials or nameplates
24 (plaques), which have been erected, named or dedicated in honor of
25 the foregoing historical wars or conflicts, and are located on
26 public property of the state or any of its political
27 subdivisions, * * * including local, municipal * * *, county,
28 school district or public university-owned public areas * * *.

29 (3) No * * * statue, * * * monument, * * * memorial,
30 cemetery headstone, * * * nameplate (* * * plaque), * * *
31 school, * * * street, * * * bridge, * * * building, * * *
32 park, * * * preserve, * * * reserve, historic flag display or
33 other public items, structure or areas of the state or any of its
34 political subdivisions, * * * including municipal * * *, county,
35 school district or public university-owned public areas, which has
36 been dedicated in memory of, or named for, any historical military
37 figure, historical military event, military organization or
38 military unit associated with the wars and conflicts listed above
39 in subsection (2) and located on public property, may be renamed,
40 rededicated, relocated, removed, altered or otherwise disturbed.

41 (* * *4) No person may prevent the public body responsible
42 for maintaining any of the items, structures or areas described
43 above from taking proper measures and exercising proper means for
44 the protection, preservation, care, repair or restoration of those
45 items, structures or areas. The governing body may move the
46 memorial to * * * another public location if it is determined that



47 the location is * * * necessary to construct a school, hospital,
48 public roadway or building that provides services related to the
49 governing body.

50 (* * *5) This section shall apply to items, structures or
51 areas described in subsections (2) and (3) of this section in
52 existence prior to July 1, 2020, and those lawfully erected, named
53 or dedicated on or after July 1, 2020. This section shall not
54 apply to items, structures or areas located on property owned or
55 acquired by the Mississippi Transportation Commission which may
56 interfere with the construction, maintenance or operation of
57 public transportation facilities.

58 (6) Any person violating the provisions of subsection (2),
59 (3) or (4) of this section shall be guilty of a misdemeanor
60 punishable, upon conviction thereof, by a fine not exceeding Ten
61 Thousand Dollars (\$10,000.00), or by imprisonment not exceeding
62 six (6) months, or by both such fine and imprisonment. In cases
63 where public property is damaged or defaced, the offense shall be
64 punishable by imprisonment for not exceeding one (1) year, and the
65 person shall be liable for repair of the public property. In the
66 event the violation of this section is made by a public board,
67 commission or other body, each member of that board, commission or
68 body shall be individually liable to prosecution under this
69 section.

70 (7) The provisions of this section may be amended or
71 repealed only upon passage of an act that has received a



72 two-thirds (2/3) vote on final passage in each house of the
73 Legislature.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2020.

