

By: Representative Williams-Barnes (By Request)

To: Judiciary B

HOUSE BILL NO. 1218

1 AN ACT TO AMEND SECTION 65-7-23, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT A PERSON WHO WILLFULLY DEFACTES, DAMAGES, OR DESTROYS  
3 A HISTORICAL OR CULTURAL MARKER OR SIGN, SHALL BE GUILTY OF A  
4 FELONY; TO BRING FORWARD SECTION 39-5-25, MISSISSIPPI CODE OF  
5 1972, WHICH RELATES TO STATE HISTORICAL MARKERS, FOR PURPOSES OF  
6 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 65-7-23, Mississippi Code of 1972, is  
9 amended as follows:

10 65-7-23. (1) Any person willfully defacing, removing,  
11 marring, damaging or destroying any sign or guide board, including  
12 any railroad crossing sign or flasher signal, or other traffic  
13 control device erected as provided shall be guilty of a  
14 misdemeanor and, upon conviction thereof, shall be liable for the  
15 actual cost of replacing or repairing such sign and shall be fined  
16 not less than Two Hundred Dollars (\$200.00) nor more than Five  
17 Hundred Dollars (\$500.00), or be imprisoned in the county jail not  
18 more than six (6) months, or be punished by both such fine and  
19 imprisonment. If the offender is a minor, the parents of such  
20 minor shall be civilly liable in accordance with Section 93-13-2



21 for the actual cost of replacing or repairing the sign, signal or  
22 device.

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

27 (3) Any person who violates subsection (1) of this section  
28 regarding a memorial, other historical or cultural marker or  
29 sign, \* \* \* shall be guilty of a \* \* \* felony, and, upon  
30 conviction, shall be imprisoned in the county jail for \* \* \* no  
31 less than one (1) year or fined \* \* \* not less than One Thousand  
32 Dollars (\$1,000.00), or both. Such person shall also be ordered  
33 to make full restitution.

34 **SECTION 2.** Section 39-5-25, Mississippi Code of 1972, is  
35 brought forward as follows:

36 39-5-25. (1) The Mississippi Department of Transportation,  
37 in cooperation with the Mississippi Department of Archives and  
38 History, may develop a priority plan for the design and  
39 construction of motor vehicle parking areas located at official  
40 state historical markers on and along the rights-of-way of the  
41 highways, roads and streets under the jurisdiction of the  
42 Transportation Department. For the purposes of this section an  
43 "official state historical marker" means any such marker that is  
44 included on the inventory of state historical markers maintained  
45 by the Department of Archives and History.



46 (2) The plan developed by the Transportation Department  
47 shall include provisions for road signs on and along the highway,  
48 road or street upon which a historical marker is located so as to  
49 provide advance notice to motorists approaching from either  
50 direction that a historical marker is located ahead. Such road  
51 signs shall be designed by the Mississippi Department of  
52 Transportation and shall be uniform in color, size and appearance.

53 (3) The Executive Director of the Department of  
54 Transportation and the Executive Director of the Department of  
55 Archives and History shall meet annually to review the progress of  
56 the implementation of this section and to determine those projects  
57 that will be performed under this section during the next fiscal  
58 year.

59 (4) The costs incurred by the Department of Transportation  
60 and the Department of Archives and History under the provisions of  
61 this section shall be paid out of any funds made available upon  
62 legislative appropriation; however, the Department of  
63 Transportation shall apply for such federal funds as may be  
64 available to help defray the costs of projects performed under  
65 this section. The Department of Archives and History shall  
66 include in its annual budget requests a request for funds for the  
67 systematic maintenance of official state historical markers.

68 **SECTION 3.** This act shall take effect and be in force from  
69 and after July 1, 2022.

