

By: Senator(s) Seymour

To: Rules

SENATE BILL NO. 2085

1 AN ACT TO AMEND SECTIONS 3-3-15 AND 37-13-5, MISSISSIPPI CODE  
 2 OF 1972, TO REQUIRE GOVERNMENTAL ENTITIES THAT RECEIVE STATE FUNDS  
 3 AND PUBLIC COLLEGES AND UNIVERSITIES TO DISPLAY THE OFFICIAL STATE  
 4 FLAG ON MONDAY THROUGH FRIDAY OF EACH WEEK ON OR AT EACH BUILDING  
 5 IN WHICH AN OFFICE OF THE GOVERNMENTAL ENTITY IS LOCATED AND ON  
 6 EACH CAMPUS OF EACH PUBLIC COLLEGE OR UNIVERSITY OR SCHOOL  
 7 DISTRICT; TO REQUIRE THAT IF A GOVERNMENTAL ENTITY OR A PUBLIC  
 8 COLLEGE OR UNIVERSITY OR SCHOOL DISTRICT IS NOT DISPLAYING THE  
 9 OFFICIAL STATE FLAG AS REQUIRED BY THIS SECTION, THE GOVERNOR  
 10 SHALL NOTIFY THE GOVERNMENTAL ENTITY OR THE PUBLIC COLLEGE OR  
 11 UNIVERSITY OR SCHOOL DISTRICT OF THE NONCOMPLIANCE, TO PROVIDE  
 12 CRIMINAL PENALTIES FOR VIOLATING THE REQUIREMENTS OF THIS SECTION;  
 13 AND FOR RELATED PURPOSES.

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

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

17 3-3-15. (1) The official state flag \* \* \* shall be  
 18 displayed on Monday through Friday of each week from sunrise to  
 19 sunset on or at each building in which an office of a governmental  
 20 entity that receives state funds is located and on each campus of  
 21 each public college or university or public school district;  
 22 however, the state flag may be displayed from all public buildings  
 23 and on public college or university or public school district



24 campuses twenty-four (24) hours a day if properly illuminated.  
25 The state flag should not be displayed when the weather is  
26 inclement, except when an all-weather flag is displayed. The  
27 state flag shall receive all of the respect and ceremonious  
28 etiquette given the American flag. \* \* \* However, nothing in this  
29 section shall be construed so as to affect the precedence given to  
30 the flag of the United States of America.

31 (2) (a) If the Governor receives notification or otherwise  
32 has knowledge that a governmental entity that receives state funds  
33 or a public college or university or public school district is not  
34 displaying the official state flag as required by subsection (1)  
35 of this section, the Governor shall notify the governmental entity  
36 or the public college or university or the public school district  
37 in writing that:

38 (i) He has information indicating that the  
39 governmental entity or the public college or university or public  
40 school district is not in compliance with the requirements of  
41 subsection (1) of this section; and

42 (ii) The governmental entity or the public college  
43 or university or the public school district has thirty (30) days  
44 to show to the satisfaction of the Governor that it is in  
45 compliance with the requirements of subsection (1) of this  
46 section.

47 (3) Any public official, or school superintendant or public  
48 university/college president violating the provisions of



49 subsection (1), of this section shall be guilty of a misdemeanor  
50 punishable, upon conviction thereof, by a fine not exceeding Ten  
51 Thousand Dollars (\$10,000.00), or by imprisonment not exceeding  
52 one (1) year, or by both such fine and imprisonment. In the event  
53 the violation of this section is made by a public board,  
54 commission or other body, each member of that board, commission or  
55 body shall be individually liable to prosecution under this  
56 section.

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

59 37-13-5. (1) The flag of the State of Mississippi and the  
60 flag of the United States shall be displayed in close proximity to  
61 the school building at all times during the hours of daylight when  
62 the school is in session when the weather will permit without  
63 damage to the flag. It shall be the duty of the board of trustees  
64 of the school district to provide for the flags and their display  
65 in compliance with the provisions of Section 3-3-15, Mississippi  
66 Code of 1972.

67 (2) Whenever the flag of the United States is to be flown at  
68 half-staff by order or instructions of the President or pursuant  
69 to federal law, all public schools shall lower the United States  
70 flag in accordance with the executive order or instructions or  
71 federal law. The school shall announce the reason that the flag  
72 is being flown at half-staff to all students in assembly or by  
73 teachers in the various classrooms or by prominently displaying



74 written notice throughout the school stating the reason that the  
75 flag has been lowered.

76 (3) In all public schools there shall be given a course of  
77 study concerning the flag of the United States and the flag of the  
78 State of Mississippi. The course of study shall include the  
79 history of each flag and what they represent and the proper  
80 respect therefor. There also shall be taught in the public  
81 schools the duties and obligations of citizenship, patriotism,  
82 Americanism and respect for and obedience to law.

83 **SECTION 3.** This act shall take effect and be in force from  
84 and after July 1, 2018.

