MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Seymour To: Public Property

SENATE BILL NO. 2191

AN ACT TO AMEND SECTION 55-15-81, MISSISSIPPI CODE OF 1972, TO CLARIFY THE PROVISIONS OF THE STATUTORY PROHIBITION AGAINST THE ALTERATION OF HISTORICAL MONUMENTS AND MEMORIALS LOCATED ON PUBLIC PROPERTY; TO PROHIBIT THE RENAMING OR REDEDICATION OF CERTAIN STATUTES, MONUMENTS, SCHOOLS, STREETS, PARKS OR SIMILAR STRUCTURES NAMED IN HONOR OF CERTAIN MILITARY UNITS, FIGURES OR EVENTS; TO PROVIDE CRIMINAL SANCTIONS FOR VIOLATION OF THIS STATUTE; TO PROVIDE THAT THIS SECTION SHALL BE KNOWN AS THE "MISSISSIPPI HERITAGE PROTECTION ACT OF 2021"; AND FOR RELATED PURPOSES.

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

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

55-15-81. (1) This section shall be known and may be cited as the "Mississippi Heritage Protection Act of 2021."

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

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

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

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

public roadway or building that provides services related to the governing body.

(* * *5) This section shall apply to items, structures or areas described in subsections (2) and (3) of this section in existence prior to July 1, 2021, and those lawfully erected, named or dedicated on or after July 1, 2021. This section shall not apply to items, structures or areas located on property owned or acquired by the Mississippi Transportation Commission which may interfere with the construction, maintenance or operation of public transportation facilities.

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

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

ST: Alteration or renaming of historical monuments, memorials and streets; prohibit and provide sanctions.