

HOUSE BILL NO. 3315

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COSTLOW.

6504H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 8, RSMo, by adding thereto one new section relating to flags displayed at public buildings.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 8, RSMo, is amended by adding thereto one new section, to be known as section 8.215, to read as follows:

8.215. 1. As used in this section, the term "public building" means any building owned or operated by the state or any political subdivision thereof including, but not limited to, a city, county, or school district.

2. Public buildings, including the employees of the state or political subdivision that operates within the public building, shall be authorized to display only the following flags:

(1) The official flag of the United States of America as described in 4 U.S.C. Section 1;

(2) The official flag of the state of Missouri, as described in section 10.020;

(3) The current official flag of another country, state, or political subdivision of another country or state;

(4) The official flag of a city, municipality, county, or other political subdivision of this state;

(5) A flag that represents a branch, unit, or division of the United States military;

(6) The National League of Families POW/MIA flag described in 36 U.S.C. Section 902;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (7) A flag that represents a federally recognized tribe of American Indians or
19 Alaska Natives;

20 (8) A historic version of any flag listed in subdivisions (1) to (7) of this
21 subsection;

22 (9) An official public school flag;

23 (10) An official flag of the United States Olympic & Paralympic Committee, the
24 International Olympic Committee, or the International Paralympic Committee;

25 (11) An official flag of an olympiad or paralympiad that occurred or will occur
26 within the state; or

27 (12) The flag of an organization authorized to use a public school facility, but
28 only at the location and during the time in which the organization is authorized to use
29 such facility.

30 3. The state auditor shall:

31 (1) Establish a process to receive and investigate alleged violations of this
32 section;

33 (2) Provide notice to the relevant governmental entity of:

34 (a) Each alleged violation of this section involving the government entity; and

35 (b) Each violation the state auditor determines to be substantiated, including an
36 opportunity to cure the violation not to exceed three calendar days; and

37 (3) If a governmental entity fails to cure a violation of this section in the provided
38 time frame, pursue an injunction as provided in subsection 4 of this section.

39 4. If the governmental entity fails to cure a violation of this section within three
40 days, the prosecuting attorney shall immediately file an injunction in a court of
41 competent jurisdiction. The court shall give any action filed under this section
42 expedited consideration and shall have a trial on the issues within seven days and shall
43 issue a decision within two days after the conclusion of the trial.

44 5. If the state auditor is granted an injunction requiring the governmental entity
45 to remove a flag flown in violation of this section and the governmental entity does not
46 remove the flag within three days, the state auditor may notify local law enforcement of
47 the governmental entity's failure to comply with court order. The local law
48 enforcement, upon receipt of the court order requiring removal of the flag, shall
49 remove the flag.

50 6. The provisions of this section shall not apply to individuals who are not
51 employees of the governmental entity that operates within the public building and who
52 are lawfully present in or on the grounds of such public building.