

SENATE BILL 2117

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 5; Title 6, Chapter 54 and Title 13, Chapter 7, relative to local government restrictions on flag displays.

WHEREAS, the display of a flag is a meaningful form of expression, and such expression is protected by the constitutions of the state of Tennessee and the United States; and

WHEREAS, the United States Supreme Court has recognized the act of burning a United States flag as a protected form of expression, and it is therefore incumbent upon the legislatures of the many states to ensure that expression through the display of flags is likewise protected from unreasonable restrictions by state and local governments; and

WHEREAS, it is the intent of the general assembly that property owners throughout the state should have a legal right to properly display a flag of the United States, a flag of the state of Tennessee, or an official or replica flag of any branch of the United States armed forces on their separately owned real property; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 5, Part 1, is amended by adding the following new section:

(a) Except as provided in subsection (b), a county legislative body shall not adopt or enforce a resolution or ordinance that prohibits or restricts, or has the effect of prohibiting or restricting, a property owner from displaying a flag on the property owner's property.

(b) A county legislative body may adopt and enforce a resolution or ordinance that reasonably regulates the manner and placement of the display of a flag only when necessary to promote public health and safety.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following new section:

(a) As used in this section, "municipality" means any incorporated town, city, or metropolitan government.

(b) Except as provided in subsection (c), a municipality shall not adopt or enforce an ordinance that prohibits or restricts, or has the effect of prohibiting or restricting, a property owner from displaying a flag on the property owner's property.

(c) A municipality may adopt and enforce an ordinance that reasonably regulates the manner and placement of the display of a flag only when necessary to promote public health and safety.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.