

CHAPTER 188

Senate Bill 152

AN ACT

RELATING TO STATE EMBLEMS; PROHIBITING THE DESECRATION OF THE FLAG, AND AMENDING SECTION 41-793, ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-793, Arizona Revised Statutes, is amended to read:

41-793. DESECRATION, MUTILATION OR DEFILEMENT OF FLAG; PENALTY; FLAG DEFINED; EXCEPTION

A. FOR THE PURPOSES OF THIS SECTION, "FLAG" MEANS ANY EMBLEM, BANNER OR OTHER SYMBOL, OF ANY SIZE, COMPOSED OF ANY SUBSTANCE OR REPRESENTED ON ANY SUBSTANCE, THAT EVIDENTLY PURPORTS TO BE THE FLAG OF THE UNITED STATES OF AMERICA OR OF THIS STATE.

~~A.~~ B. No person shall:

1. In any manner, LIKELY TO PROVOKE RETALIATION for exhibition or display, place OR CAUSE TO BE PLACED any word, figure, mark, picture, design, drawing or advertisement of any nature upon a flag, or expose OR CAUSE TO BE EXPOSED to public view a flag upon which there is printed, painted or otherwise produced, or to which there is attached, appended or annexed any word, figure, mark, picture, design, drawing or advertisement.

2. Expose to public view, ~~or~~ MANUFACTURE, sell, OFFER TO SELL, give or have in possession for any purpose, any article of merchandise, or receptacle for holding or carrying merchandise, upon or to which there is PRINTED, PAINTED, placed or attached any flag, in order to advertise, call attention to, decorate, mark or distinguish the article or substance. ~~FOR THE PURPOSE LIKELY TO PROVOKE RETALIATION.~~

~~B. A person who violates any provision of subsection A of this section shall be punished by a fine not exceeding three hundred dollars.~~

C. ~~A.~~ NO person who SHALL publicly CAST CONTEMPT UPON, MUTILATE, DEFACE, DEFILE, BURN, TRAMPLE OR OTHERWISE DISHONOR OR CAUSE TO BRING DISHONOR ~~mutilates, defaces, defiles, tramples upon, or by word or act casts contempt upon~~ a flag IN A MANNER LIKELY TO PROVOKE RETALIATION. ~~is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars, by imprisonment in the county jail for not to exceed one year, or both.~~

D. NO PERSON SHALL PUBLICLY CAST CONTEMPT

UPON THE ARIZONA FLAG BY PHYSICALLY MUTILATING, DEFACING, DEFILING, BURNING, TRAMPLING, OR OTHERWISE DISHONORING OR CAUSING TO BRING DISHONOR UPON IT IN A MANNER LIKELY TO PROVOKE RETALIATION.

~~D. The term flag, as used in this section, includes any flag, standard, color, ensign or shield, or any copy, picture or representation thereof, made of any substance or of any size, purporting to be the flag, standard, color, ensign, or shield of the United States or of this state.~~

~~E. Any act permitted by the laws of the United States, or of this state, or by army and navy regulations, with any printed or written document or production, stationery, ornament, picture or jewelry on which is depicted the flag with no design or words thereon and disconnected with an advertisement, is not prohibited by this section.~~

E. ANY PERSON WHO VIOLATES ANY PROVISION OF SUBSECTIONS B, C OR D OF THIS SECTION IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN TWO THOUSAND DOLLARS, BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN ONE YEAR, OR BOTH.

F. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO:

1. ANY ACT PERMITTED BY A STATUTE OF THE UNITED STATES OF AMERICA.
2. ANY ACT PERMITTED BY UNITED STATES MILITARY REGULATIONS.
3. ANY ACT WHERE THE UNITED STATES GOVERNMENT HAS GRANTED PERMISSION FOR THE USE OF SUCH FLAG.
4. A NEWSPAPER, PERIODICAL, BOOK, PAMPHLET, CIRCULAR, CERTIFICATE, DIPLOMA, WARRANT, COMMISSION OF APPOINTMENT TO OFFICE, ORNAMENT, PICTURE, BADGE OR STATIONERY ON WHICH SHALL BE PRINTED, PAINTED OR PLACED SUCH FLAG AND WHICH IS DISCONNECTED FROM ANY ADVERTISEMENT FOR THE PURPOSE OF SALE, BARTER OR TRADE.

Sec. 2. EMERGENCY

To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—May 17, 1971

Filed in the Office of the Secretary of State—May 17, 1971