

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1331*

Short Title: Flag Desecration.

(Public)

Sponsors: Senators Daughtry; Allran, Barnes, Basnight, Bryan, Carpenter, Chalk, Cobb, Cochrane, Conder, Daniel, Ezzell, Goldston, Guy, Hardin, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, and Winner.

Referred to: Passed 2nd & 3rd; Sent to House.

July 13, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL TO INTENTIONALLY DESTROY OR SUBSTANTIALLY MUTILATE A FLAG OF THE UNITED STATES OR OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-381 reads as rewritten:

"§ 14-381. ~~Desecration of State and United States flag~~Flag destruction and mutilation.

~~It shall be unlawful for any person willfully and knowingly to cast contempt upon any flag of the United States or upon any flag of North Carolina by public acts of physical contact including, but not limited to, mutilation, defiling, defacing or trampling. Any person violating this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not more than six months or both, in the discretion of the court. Any person who intentionally destroys or intentionally and substantially mutilates a flag of the United States of America or of the State of North Carolina is guilty of a misdemeanor. In any prosecution of this section, a communication made in connection with the alleged destruction or mutilation shall not be admissible in evidence against the accused other than to prove intentional conduct.~~

In any prosecution under this section, it shall be an affirmative defense that the destruction or mutilation was for the purpose of disposing of a worn flag.

1 ~~The flag of the United States, as used in this section, shall be the same as defined in~~
2 ~~4 U.S.C.A. 1 and 4 U.S.C.A. 2. The flag of North Carolina, as used in this section, shall~~
3 ~~be the same as defined in G.S. 144-1."~~

4 Sec. 2. This act is effective upon ratification.