

CHAPTER 718A

DESECRATION OF FLAG OR OTHER INSIGNIA

Referred to in §§31.307, 331.653, 364.22, 701.1

[P]

This chapter not enacted as a part of this title;
transferred from chapter 32 in Code 1993

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718A.1 Definitions.

As used in this chapter:

1. “*Contempt*” means an intentional lack of respect or reverence by treating in a rough manner.
2. “*Deface*” means to intentionally mar the external appearance.
3. “*Defile*” means to intentionally make physically unclean.
4. “*Mutilate*” means to intentionally cut up or alter so as to make imperfect.
5. “*Trample*” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

2007 Acts, ch 202, §13; 2008 Acts, ch 1032, §88

[SP] Former §718A.1 transferred to §718A.1A

718A.1A Desecration of flag or insignia.

Any person who in any manner, for exhibition or display, shall place or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color, ensign, shield, or other insignia of the United States, or upon any flag, ensign, great seal, or other insignia of this state, or shall expose or cause to be exposed to public view, any such flag, standard, color, ensign, shield, or other insignia of the United States, or any such flag, ensign, great seal, or other insignia of this state, upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose any article or substance, being an article of merchandise or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached or otherwise placed, a representation of any such flag, standard, color, ensign, shield, or other insignia of the United States, or any such flag, ensign, great seal, or other insignia of this state, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed, or who shall publicly mutilate, deface, defile or defy, trample upon, cast contempt upon, satirize, deride or burlesque, either by words or act, such flag, standard, color, ensign, shield, or other insignia of the United States, or flag, ensign, great seal, or other insignia of this state, or who shall, for any purpose, place such flag, standard, color, ensign, shield, or other insignia of the United States, or flag, ensign, great seal, or other insignia of this state, upon the ground or where the same may be trod upon, shall be deemed guilty of a simple misdemeanor.

[S13, §5028-a; C24, 27, 31, 35, 39, §472; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §32.1]
C93, §718A.1

CS2007, §718A.1A

718A.2 Actions for penalty.

The action or suit may be brought by and in the name of the state, on the relation of a citizen of the state, and the penalty, when collected, less the reasonable cost and expense of action

or suit and recovery, to be certified by the clerk of the district court of the county in which the offense is committed, shall be paid to the treasurer of state for deposit in the general fund of the state, and two or more penalties may be sued for and recovered in the same action or suit.

[S13, §5028-a; C24, 27, 31, 35, 39, §473; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §32.2] 83 Acts, ch 185, §1, 62; 83 Acts, ch 186, §10014, 10201, 10204 C93, §718A.2

718A.3 Federal flag and insignia — definition.

The words “*flag, standard, color, ensign, shield, or other insignia of the United States*” as used in this chapter, shall include any flag, standard, color, ensign, shield, or other insignia of the United States, or any picture or representation of any of them, made of any substance or represented on any substance, and of any size, evidently purporting to be any such flag, standard, color, insignia, shield, or other insignia of the United States of America, or a picture or a representation of any of them.

[S13, §5028-a; C24, 27, 31, 35, 39, §474; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §32.3] C93, §718A.3

718A.4 State flag and insignia — definition.

The words “*flag, ensign, great seal, or other insignia of this state*” as used in this chapter, shall include any flag, ensign, great seal, or other insignia, or any picture or any representation of any of them, made of any substance or represented on any substance, and of any size, evidently purporting to be any such flag, ensign, great seal, or other insignia of the state, or a picture or a representation of any of them.

[S13, §5028-a; C24, 27, 31, 35, 39, §475; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §32.4] C93, §718A.4

718A.5 Presumptive evidence of desecration.

The possession by any person other than a public officer, as such, of any flag, standard, color, ensign, shield, or other insignia of the United States, or flag, ensign, great seal, or other insignia of this state, on which shall be anything made unlawful by this chapter, or of any article or substance or thing on which shall be anything made unlawful by this chapter, shall be presumptive evidence that the same is in violation of this chapter.

[S13, §5028-a; C24, 27, 31, 35, 39, §476; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §32.5] C93, §718A.5

718A.6 Enforcement.

It shall be the duty of the sheriffs of the various counties, chiefs of police, and city marshals to enforce the provisions of this chapter, and for failure to do so they may be removed as by law provided.

This chapter shall not be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, or commission of appointment to office, ornamental picture, article of jewelry, or stationery for use in private correspondence, on any of which shall be printed, painted, or placed, said flag, disconnected from any advertisement.

Nothing in this chapter shall be construed as rendering unlawful the use of any trademark or trade emblem actually adopted by any person, firm, corporation, or association prior to January 1, 1895.

[C24, 27, 31, 35, 39, §477; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §32.6] C93, §718A.6

[P] General removal law, §66.1A

718A.7 Retirement ceremony.

This chapter does not apply to a flag retirement ceremony conducted pursuant to federal law.

2007 Acts, ch 202, §14