



AN ACT REVISING LAWS RELATED TO THE DISPLAY OF FLAGS AND BANNERS IN OR ON GOVERNMENT PROPERTY, STATE BUILDINGS AND GROUNDS, PUBLIC SCHOOLS, AND OTHER GOVERNMENT-OWNED FACILITIES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS; PROVIDING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Legislative findings. The legislature finds that:

- (1) Government property, including state buildings and grounds, public schools, and other government-owned facilities, should serve neutral governmental functions and not be used to promote political or ideological advocacy.
- (2) The United States flag and other officially recognized governmental flags represent the collective identity, heritage, and sovereignty of the nation, state, and local entities and should be the primary symbols displayed on government property.
- (3) Allowing nongovernmental or politically charged symbols on state property creates inconsistency in enforcement, legal challenges, and public divisiveness, undermining the neutrality and inclusivity of government spaces.
- (4) Flags honoring law enforcement officers, military service members, and public service organizations provide appropriate, nonpolitical recognition of their contributions to public safety and national defense.
- (5) [Sections 1 through 3] do not infringe on private speech or individual expression, as they apply solely to government-controlled displays, ensuring personal freedoms remain intact while maintaining a neutral public environment.

Section 2. Definitions. For the purposes of [sections 1 through 3], the following definitions apply:

(1) "Flag" means any physical or digital material designed for display on a flagpole, building, wall, vehicle, or other structure. Flags typically serve as symbols of identity, allegiance, recognition, commemoration, or advocacy, representing nations, states, political movements, or social causes.

(2) "Government property" means buildings, grounds, vehicles, uniforms, and any other property owned, leased, or controlled by a state, county, municipal, or other government entity, including public schools, universities, and special districts.

Section 3. Display of flags and banners on government property. (1) No flag or banner may be displayed in or on government property, including but not limited to state buildings and grounds, public schools, and other government-owned facilities, other than the following flags and banners:

- (a) the United States flag;
- (b) the official flag of the state of Montana, or any county, municipality, special district, or other political subdivision within the state;
- (c) the official flag of a school district, public university, or community college;
- (d) the official flag of any state in the United States;
- (e) the official flag of any federally recognized tribal nation;
- (f) the official flag of any federally recognized foreign nation;
- (g) the official flag of any of the branches and units of the United States military;
- (h) official historical flags of the United States and the state of Montana, including but not limited to the Betsy Ross flag, Gadsden flag, and other flags of historical significance;
- (i) the POW/MIA flag, as provided in 1-1-541;
- (j) flags or banners representing official school mascots and colors; and
- (k) official law enforcement flags, including but not limited to flags honoring law enforcement officers and fallen officers.

(2) (a) No flags or banners may be displayed on state property that represent a political viewpoint, including but not limited to flags or banners regarding a political party, race, sexual orientation, gender, or

political ideology.

(b) Subsection (2)(a) does not apply to flags recognizing official government entities, law enforcement agencies, military branches, or public service organizations.

(3) Nothing in [sections 1 through 3] may be construed to limit the private speech of individuals, and nothing in [sections 1 through 3] may be interpreted to restrict expressions of personal belief outside of official government displays.

(4) [Sections 1 through 3] do not apply to personal clothing, jewelry, or accessories worn by government employees, except where specific uniform policies or official dress codes apply.

Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 1, chapter 1, part 6, and the provisions of Title 1, chapter 1, part 6, apply to [sections 1 through 3].

Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 819, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 819

INTRODUCED BY B. MITCHELL, V. RICCI, L. SCHUBERT, M. VINTON, S. KELLY, S. KLAKKEN, E. ALBUS, K. LOVE, A. NICASTRO, G. OVERSTREET, T. SHARP, E. BYRNE, R. GREGG, C. COCHRAN, T. MILLETT, D. EMRICH, J. FULLER, S. GIST, C. HINKLE, R. MARSHALL, N. NICOL, A. REGIER, S. VANCE, S. FITZPATRICK, C. GLIMM, G. OBLANDER, K. ZOLNIKOV, J. ETCHART, F. NAVE, B. USHER, J. GILLETTE, L. BREWSTER, N. DURAM, T. FALK, P. FIELDER, G. KMETZ, T. MCGILLVRAY, M. NOLAND, K. SEEKINS-CROWE, Z. WIRTH, S. MANESS, K. BOGNER, B. BEARD, S. ESSMANN, J. HINKLE, B. PHALEN

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