

AMENDED IN SENATE MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2444

Introduced by Assembly Member Hall

**(Coauthors: Assembly Members Bloom, Bradford, Brown, Fox,
Holden, Jones-Sawyer, Nestande, Ting, and Weber)**

(Coauthors: Senators Mitchell and Yee)

February 21, 2014

An act to add ~~Section 53.5 to the Civil~~ *Chapter 2.9 (commencing with Section 8195) to Division 1 of Title 2 of the Government Code*, relating to the Confederate flag.

LEGISLATIVE COUNSEL'S DIGEST

AB 2444, as amended, Hall. Confederate flag: sales: government property.

Existing law regulates the sale of certain merchandise, including political items and sports memorabilia.

This bill would prohibit the State of California from selling or displaying the Battle Flag of the Confederacy, or a similar image, or tangible personal property inscribed with those images, unless the image appears in a book *or digital medium* that serves an educational or historical purpose.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.9 (commencing with Section 8195) is
2 added to Division 1 of Title 2 of the Government Code, to read:

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CHAPTER 2.9. CONFEDERATE FLAG

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6 8195. (a) *The State of California may not sell or display the*
7 *Battle Flag of the Confederacy, also referred to as the Stars and*
8 *Bars, or any similar image, or tangible personal property,*
9 *inscribed with such an image unless the image appears in a book*
10 *or digital medium that serves an educational or historical purpose.*

11 (b) *For purposes of this section, “sell” means to transfer title*
12 *or possession, exchange, or barter, conditional or otherwise, in*
13 *any manner or by any means whatsoever, for consideration.*
14 *“Transfer possession” includes only transactions that would be*
15 *found by the State Board of Equalization, for purposes of the Sales*
16 *and Use Tax Law, to be in lieu of a transfer of title, exchange, or*
17 *barter.*

18 SECTION 1. ~~Section 53.5 is added to the Civil Code, to read:~~

19 ~~53.5. (a) *The State of California may not sell or display the*~~
20 ~~*Battle Flag of the Confederacy, also referred to as the Stars and*~~
21 ~~*Bars, or any similar image, or tangible personal property inscribed*~~
22 ~~*with such an image unless the image appears in a book that serves*~~
23 ~~*an educational or historical purpose.*~~

24 ~~(b) *For purposes of this*~~
25 ~~*section, “sell” means to transfer title or possession, exchange,*~~
26 ~~*or barter, conditional or otherwise, in any manner or by any means*~~
27 ~~*whatsoever, for consideration. “Transfer possession” includes only*~~
28 ~~*transactions that would be found by the State Board of*~~
29 ~~*Equalization, for purposes of the Sales and Use Tax Law, to be in*~~
30 ~~*lieu of a transfer of title, exchange, or barter.*~~

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