

**First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 03-0922.01 Jeff Conway

SENATE BILL 03-235

SENATE SPONSORSHIP

Lamborn

HOUSE SPONSORSHIP

Mitchell

Senate Committees

State Veterans & Military Affairs

House Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE RIGHT TO DISPLAY THE UNITED STATES FLAG.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Declares that each person has the right to display reasonably the United States flag or other commonly recognized emblems or symbols of the nation or of a person's patriotism:

- On his or her person;
- Anywhere on his or her personal or real property;
- In his or her place of employment;
- In his or her school; and
- In the buildings or on the grounds of any tax-supported property in the state.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 11, 2003

SENATE
Amended 2nd Reading
March 10, 2003

Specifies that those rights are deemed a protected form of expression under the United States constitution and the state constitution.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 2 of title 27, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **27-2-108.5. Personal display of flags.**

5 (1) THE RIGHT TO DISPLAY REASONABLY THE FLAG OF THE UNITED
6 STATES SHALL NOT BE INFRINGED WITH RESPECT TO THE DISPLAY:

7 (a) ON HIS OR HER PERSON;

8 (b) ANYWHERE ON HIS OR HER PERSONAL OR REAL PROPERTY;

9 =

10 (c) IN HIS OR HER SCHOOL; AND

11 (d) IN THE BUILDINGS OR ON THE GROUNDS OF ANY
12 TAX-SUPPORTED PROPERTY IN THE STATE; EXCEPT THAT THE STATE OR
13 POLITICAL SUBDIVISION THAT HAS JURISDICTION OVER THE BUILDING OR
14 GROUNDS MAY ADOPT REASONABLE RULES AND REGULATIONS REGARDING
15 THE SIZE, NUMBER, PLACEMENT, MANNER OF DISPLAY, AND LIGHTING OF
16 THE FLAG, AND THE LOCATION, SIZE, AND HEIGHT OF FLAGPOLES.

17 (2) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS
18 SECTION TO THE CONTRARY, THE RIGHT WITH RESPECT TO A PERSON'S REAL
19 PROPERTY SHALL BE SUBJECT TO REASONABLE RESTRICTIVE COVENANTS
20 OR EQUITABLE SERVITUDES; EXCEPT THAT NO SUCH COVENANT OR
21 SERVITUDE, NOR ANY OWNERS' ASSOCIATION SHALL PROHIBIT THE
22 OUTDOOR DISPLAY OF THE FLAG OF THE UNITED STATES BY A PROPERTY
23 OWNER ON THAT OWNER'S PROPERTY IF THE FLAG IS DISPLAYED IN A
24 MANNER CONSISTENT WITH CHAPTER 1 OF TITLE 4 OF THE UNITED STATES
25 CODE, AS AMENDED. AN OWNERS' ASSOCIATION, THE STATE, OR A

1 POLITICAL SUBDIVISION MAY ADOPT REASONABLE RULES AND
2 REGULATIONS REGARDING THE SIZE, NUMBER, PLACEMENT, MANNER OF
3 DISPLAY, AND LIGHTING OF THE FLAG, AND THE LOCATION, SIZE, AND
4 HEIGHT OF FLAGPOLES.

5 (3) FOR PURPOSES OF THIS SECTION, "DISPLAY REASONABLY"
6 SHALL BE PRESUMED TO INCLUDE A DISPLAY OF THE FLAG OF THE UNITED
7 STATES THAT IS CONSISTENT WITH CHAPTER 1 OF TITLE 4 OF THE UNITED
8 STATES CODE, AS AMENDED.

9 (4) A RIGHT DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS A
10 CIVIL RIGHT OF FREE SPEECH AND A PROTECTED FORM OF EXPRESSION
11 UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND
12 SECTION 10 OF ARTICLE II OF THE STATE CONSTITUTION.

13 **SECTION 2. Effective date.** This act shall take effect at 12:01
14 a.m. on the day following the expiration of the ninety-day period after
15 final adjournment of the general assembly that is allowed for submitting
16 a referendum petition pursuant to article V, section 1 (3) of the state
17 constitution; except that, if a referendum petition is filed against this act
18 or an item, section, or part of this act within such period, then the act,
19 item, section, or part, if approved by the people, shall take effect on the
20 date of the official declaration of the vote thereon by proclamation of the
21 governor.