

**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**

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**SENATE SPONSORSHIP**

**Lamborn**

**HOUSE SPONSORSHIP**

**Mitchell**

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**Senate Committees**

State Veterans & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE RIGHT TO DISPLAY NATIONAL SYMBOLS.**

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**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.*

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

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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 and related articles.**

5 (1) A PERSON SHALL HAVE THE RIGHT TO DISPLAY REASONABLY THE FLAG  
6 OF THE UNITED STATES OR OTHER COMMONLY RECOGNIZED EMBLEMS OR  
7 SYMBOLS OF THE NATION:

8 (a) ON HIS OR HER PERSON;

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

10 (c) IN HIS OR HER PERSONAL WORK AREA ON THE JOB;

11 (d) IN HIS OR HER SCHOOL; AND

12 (e) IN THE BUILDINGS OR ON THE GROUNDS OF ANY  
13 TAX-SUPPORTED PROPERTY IN THE STATE.

14 (2) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS  
15 SECTION TO THE CONTRARY, THE RIGHT WITH RESPECT TO A PERSON'S REAL  
16 PROPERTY SHALL BE SUBJECT TO REASONABLE RESTRICTIVE COVENANTS  
17 OR EQUITABLE SERVITUDES; EXCEPT THAT AN OWNERS' ASSOCIATION  
18 SHALL NOT PROHIBIT THE OUTDOOR DISPLAY OF THE FLAG OF THE UNITED  
19 STATES BY A PROPERTY OWNER ON THAT OWNER'S PROPERTY IF THE FLAG  
20 IS DISPLAYED IN A MANNER CONSISTENT WITH CHAPTER 1 OF TITLE 4 OF  
21 THE UNITED STATES CODE, AS AMENDED. AN OWNERS' ASSOCIATION MAY  
22 ADOPT REASONABLE RULES AND REGULATIONS REGARDING THE SIZE,  
23 NUMBER, PLACEMENT, MANNER OF DISPLAY, AND LIGHTING OF THE FLAG,  
24 AND THE LOCATION, SIZE, AND HEIGHT OF FLAGPOLES.

25 (3) A RIGHT DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS A

1 CIVIL RIGHT OF FREE SPEECH AND A PROTECTED FORM OF EXPRESSION  
2 UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND  
3 SECTION 10 OF ARTICLE II OF THE STATE CONSTITUTION.

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