

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

PREAMENDED

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

LLS NO. 07-0182.01 Brita Darling

HOUSE BILL 07-1050

HOUSE SPONSORSHIP

Todd and Kerr A., and Rice

SENATE SPONSORSHIP

Williams,

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

101 **CONCERNING THE DISPLAY OF FLAGS.**

Bill Summary

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

Prohibits the display of certain flags on the permanent flagstaffs of public buildings or grounds. Removes the petty offense involving flag displays that may cause a breach of the peace. Permits the display of prisoner of war and missing in action flags, as well as other veteran commemorative flags, and the display of foreign nation flags on special, ceremonial occasions. Allows school district boards of education and the state charter school institute to adopt policies concerning the display of flags in school buildings.

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.*

HOUSE
3rd Reading Unamended
January 29, 2007

HOUSE
2nd Reading Unamended
January 26, 2007

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

2 **SECTION 1.** 18-11-205 (1), (2), and (4) (a) (IV), Colorado
3 Revised Statutes, are amended, and the said 18-11-205 (4) (a) is further
4 amended BY THE ADDITION OF THE FOLLOWING NEW
5 SUBPARAGRAPHS, to read:

6 **18-11-205. Unlawful to display flag - exceptions.** (1) Any
7 person who displays any flag other than the flag of the United States of
8 America or the state of Colorado or any of its subdivisions, agencies, or
9 institutions ~~upon any~~ ON A PERMANENT FLAGSTAFF LOCATED ON A state,
10 county, municipal, or other public building or ~~adjacent~~ ON ITS grounds
11 within this state commits a class 1 petty offense.

12 (2) ~~Any person who displays any flag other than the flag of the~~
13 ~~United States of America or the state of Colorado or any of its~~
14 ~~subdivisions, agencies, or institutions in any place where it is likely to be~~
15 ~~viewed by the public or a substantial portion thereof, knowing that under~~
16 ~~the circumstances then existing such display is likely to cause a breach of~~
17 ~~the peace, commits a class 1 petty offense.~~

18 (4) (a) This section does not apply to:

19 (IV) ~~The display of any flag or representation thereof described~~
20 ~~in subsection (1) of this section that is part of a temporary display of any~~
21 ~~instructional or historical materials not permanently affixed or attached~~
22 ~~to any part of the buildings or grounds described in subsection (1) of this~~
23 ~~section.~~

24 (V) THE DISPLAY OF A PRISONERS OF WAR AND MISSING IN ACTION
25 FLAG OR OTHER APPROPRIATE VETERAN COMMEMORATIVE, UNITED
26 STATES OR STATE ARMED FORCES, OR MILITARY COMMEMORATIVE FLAG

1 WHEN DISPLAYED IN ACCORDANCE WITH 4 U.S.C. SEC. 7; ==

2 (VI) THE DISPLAY OF FLAGS OF FOREIGN NATIONS FOR SPECIAL,
3 OCCASIONAL, CEREMONIAL PURPOSES WHEN DISPLAYED IN ACCORDANCE
4 WITH 4 U.S.C. SEC. 7; OR

5 (VII) THE DISPLAY OF A FLAG FOR EDUCATIONAL, CULTURAL, OR
6 HISTORICAL PURPOSES WITH THE PRIOR PERMISSION OF THE CHIEF
7 ADMINISTRATIVE OFFICER OF THE STATE, COUNTY, MUNICIPAL, OR OTHER
8 PUBLIC BUILDING OR GROUNDS.

9 **SECTION 2.** 22-30.5-505 (4) (j) and (4) (k), Colorado Revised
10 Statutes, are amended, and the said 22-30.5-505 (4) is further amended
11 BY THE ADDITION OF A NEW PARAGRAPH, to read:

12 **22-30.5-505. State charter school institute - institute board -**
13 **appointment - powers and duties - rules.** (4) In addition to any other
14 powers granted by law to the institute board, the institute board shall have
15 the following powers:

16 (j) To exercise the same powers retained by boards of cooperative
17 services that are described in section 22-5-108; ~~and~~

18 (k) To promulgate rules in accordance with article 4 of title 24,
19 C.R.S., for the administration of this part 5; AND

20 (l) TO ADOPT A POLICY FOR THE DISPLAY OF FLAGS IN INSTITUTE
21 CHARTER SCHOOL BUILDINGS, WHICH POLICY SHALL NOT CONFLICT WITH
22 THE PROVISIONS OF 4 U.S.C. SEC. 7 OR SECTION 18-11-205 OR 27-2-108,
23 C.R.S.

24 **SECTION 3.** 22-32-110 (1), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **22-32-110. Board of education - specific powers.** (1) In
27 addition to any other power granted to a board of education of a school

1 district by law, each board of education of a school district shall have the
2 following specific powers, to be exercised in its judgment:

3 (mm) TO ADOPT A POLICY FOR THE DISPLAY OF FLAGS IN PUBLIC
4 BUILDINGS OF THE SCHOOL DISTRICT, WHICH POLICY SHALL NOT CONFLICT
5 WITH 4 U.S.C. SEC. 7 OR SECTION 18-11-205 OR 27-2-108, C.R.S.

6 **SECTION 4. Effective date - applicability.** (1) This act shall
7 take effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly that is
9 allowed for submitting a referendum petition pursuant to article V,
10 section 1 (3) of the state constitution, (August 8, 2007, if adjournment
11 sine die is on May 9, 2007); except that, if a referendum petition is filed
12 against this act or an item, section, or part of this act within such period,
13 then the act, item, section, or part, if approved by the people, shall take
14 effect on the date of the official declaration of the vote thereon by
15 proclamation of the governor.

16 (2) The provisions of this act shall apply to offenses committed on
17 or after the applicable effective date of this act.