

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 04-0113.01 Stephen Miller

HOUSE BILL 04-1002

HOUSE SPONSORSHIP

Crane

SENATE SPONSORSHIP

Lamborn

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONFORMING AMENDMENTS TO THE PLEDGE OF**
102 **ALLEGIANCE STATUTE TO MAKE THE STATUTE CONSTITUTIONAL**
103 **AS REQUIRED BY THE UNITED STATES COURT OF APPEALS FOR**
104 **THE SEVENTH CIRCUIT IN THE 1992 DECISION ENTITLED**
105 ***SHERMAN VERSUS COMMUNITY CONSOLIDATED SCHOOL DISTRICT***
106 ***21 OF WHEELING TOWNSHIP.***

Bill Summary

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

Specifies that the pledge of allegiance shall be recited each school day by pupils in elementary and secondary educational institutions supported or maintained in whole or in part by public funds.

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.

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

2 **SECTION 1.** 22-1-106, Colorado Revised Statutes, is amended
3 to read:

4 **22-1-106. Information as to honor and use of flag.** (1) The
5 commissioner of education shall provide the necessary instruction and
6 information so that all teachers in the grade and high schools in the state
7 of Colorado may teach the pupils therein the proper respect of the flag of
8 the United States, to honor and properly salute the flag when passing in
9 parade, and to properly use the flag in decorating and displaying.

10 ~~(2) (a) The teacher and students in each classroom in each public~~
11 ~~elementary, middle, and junior high school in the state of Colorado shall~~
12 ~~begin each school day by reciting aloud the pledge of allegiance to the~~
13 ~~flag of the United States of America. The teacher and students in each~~
14 ~~classroom in each public high school in the state of Colorado shall recite~~
15 ~~aloud the pledge of allegiance to the flag of the United States of America~~
16 ~~when the school conducts its daily announcements. If a public high~~
17 ~~school does not conduct daily announcements, then the teacher and~~
18 ~~students in each classroom in the public high school shall, on a daily~~
19 ~~basis, recite aloud the pledge of allegiance to the flag of the United States~~
20 ~~of America.~~

21 ~~(b) Nothing in this subsection (2) shall be construed to require a~~
22 ~~teacher or a student to recite the pledge of allegiance described in~~
23 ~~paragraph (a) of this subsection (2) if the teacher or student objects to the~~
24 ~~recitation of the pledge on religious grounds. A student shall be exempt~~
25 ~~from reciting the pledge of allegiance if a parent or guardian of the~~
26 ~~student objects in writing to the recitation of the pledge on any grounds~~

1 ~~and files the objection with the principal of the school.~~

2 ~~(c) Nothing in this subsection (2) shall be construed to require~~
3 ~~students and teachers who are not United States citizens and are attending~~
4 ~~or teaching school in the state of Colorado to recite the pledge of~~
5 ~~allegiance described in paragraph (a) of this subsection (2).~~

6 (3) THE PLEDGE OF ALLEGIANCE SHALL BE RECITED EACH SCHOOL
7 DAY BY WILLING PUPILS IN ELEMENTARY AND SECONDARY EDUCATIONAL
8 INSTITUTIONS SUPPORTED OR MAINTAINED IN WHOLE OR IN PART BY PUBLIC
9 FUNDS. ANY PERSON NOT WISHING TO PARTICIPATE IN THE RECITATION OF
10 THE PLEDGE OF ALLEGIANCE SHALL BE EXEMPT FROM RECITING THE
11 PLEDGE OF ALLEGIANCE AND NEED NOT PARTICIPATE.

12 **SECTION 2. Effective date.** This act shall take effect at 12:01
13 a.m. on the day following the expiration of the ninety-day period after
14 final adjournment of the general assembly that is allowed for submitting
15 a referendum petition pursuant to article V, section 1 (3) of the state
16 constitution (August 4, 2004, if adjournment sine die is on May 5, 2004);
17 except that, if a referendum petition is filed against this act or an item,
18 section, or part of this act within such period, then the act, item, section,
19 or part, if approved by the people, shall take effect on the date of the
20 official declaration of the vote thereon by proclamation of the governor.