

CHAPTER 111

GOVERNMENT - STATE

SENATE BILL 02-038

BY SENATOR(S) Nichol, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Matsunaka, May, McElhany, Musgrave, Perlmutter, Phillips, Reeves, Takis, Tate, Taylor, Teck, and Windels;
also REPRESENTATIVE(S) Miller, Alexander, Clapp, Cloer, Coleman, Crane, Decker, Fairbank, Fritz, Hefley, Hoppe, Kester, Lawrence, Lee, Snook, Spence, Spradley, and Weddig.

AN ACT**CONCERNING THE DISPLAY OF UNITED STATES FLAGS BY PUBLIC INSTITUTIONS.**

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

SECTION 1. 27-2-108 (2), Colorado Revised Statutes, is amended, and the said 27-2-108 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

27-2-108. Display of flags. (2) (a) The chief administrative officer of any court facility supported in whole or in part by the state and under the control of the state shall cause to be permanently and prominently displayed the flag of the United States, as described in chapter 1 of title 4, U.S.C., in each courtroom when a court proceeding is in session. ~~On and after September 1, 1996, the chief administrative officer of any school supported in whole or in part by the state and under the control of the state shall cause to be displayed permanently and prominently the flag of the United States, as described in chapter 1 of title 4, U.S.C., in each academic classroom when an academic class is in session. A flag displayed in an academic classroom must measure no less than either twelve by eighteen inches if it is displayed in a frame or two by three feet if it is displayed on a flagstaff. A flag displayed in a courtroom must measure three by five feet. No alleged failure to cause the flag of the United States to be permanently and prominently displayed in a courtroom supported in whole or in part by the state and under the control of the state shall be the basis of any challenge to such court's authority or jurisdiction or for any appeal of any decision, order, or judgment of such court.~~

(b) The flags of the United States and of the state of Colorado shall be permanently

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

and prominently displayed in all committee rooms under the control of the general assembly of the state of Colorado.

(c) ON AND AFTER SEPTEMBER 1, 1996, THE CHIEF ADMINISTRATIVE OFFICER OF ANY SCHOOL SUPPORTED IN WHOLE OR IN PART BY THE STATE AND UNDER THE CONTROL OF THE STATE SHALL CAUSE TO BE DISPLAYED PERMANENTLY AND PROMINENTLY THE FLAG OF THE UNITED STATES, AS DESCRIBED IN CHAPTER 1 OF TITLE 4, U.S.C., IN EACH ACADEMIC CLASSROOM WHEN AN ACADEMIC CLASS IS IN SESSION. A FLAG DISPLAYED IN AN ACADEMIC CLASSROOM SHALL MEASURE NO LESS THAN EITHER TWELVE BY EIGHTEEN INCHES IF IT IS DISPLAYED IN A FRAME OR TWO BY THREE FEET IF IT IS DISPLAYED ON A FLAGSTAFF.

(4) (a) THE CHIEF ADMINISTRATIVE OFFICER OF ANY STATE INSTITUTION, SCHOOL, OR COURT FACILITY DESCRIBED IN THIS SECTION SHALL NOT PERMIT THE DISPLAY OF ANY DEPICTION OR REPRESENTATION OF A FLAG OF THE UNITED STATES THAT IS INTENDED FOR PUBLIC VIEW AND PERMANENTLY AFFIXED OR ATTACHED TO ANY PART OF THE BUILDING OR GROUNDS OF SAID STATE INSTITUTION, SCHOOL, OR COURT FACILITY, AND WHICH DISPLAY DOES NOT CONFORM WITH 4 U.S.C. SEC. 7.

(b) NOTHING IN THIS SUBSECTION (4) SHALL BE CONSTRUED TO PRECLUDE THE TEMPORARY DISPLAY OF ANY INSTRUCTIONAL OR HISTORICAL MATERIALS OR STUDENT WORK PRODUCT INCLUDED AS PART OF A LESSON NOT PERMANENTLY AFFIXED OR ATTACHED TO ANY PART OF SAID BUILDING OR GROUNDS.

(5) ANY FLAG OF THE UNITED STATES DISPLAYED PURSUANT TO THIS SECTION SHALL BE DISPLAYED AS DESCRIBED IN 4 U.S.C. SEC. 7.

SECTION 2. 18-11-205 (4), Colorado Revised Statutes, is amended to read:

18-11-205. Unlawful to display flag - exceptions. (4) (a) This section does not apply to:

(I) The display of the flag of the United Nations or the flag of a foreign nation displayed to identify persons officially representing such foreign nation or the property or premises of the person or nation;

(II) ~~Neither does it apply to~~ The display of an appropriate flag upon ceremonial or commemorative occasions proclaimed by the president of the United States, the governor of the state of Colorado, the board of county commissioners of any county, or the mayor or other chief executive officer of a city or town within this state;

(III) ~~Neither does it apply to~~ The display of the flag of any adjacent state with the flag of the state of Colorado at the ports of entry weigh stations, in recognition of the joint state port operation; OR

(IV) THE DISPLAY OF ANY FLAG OR REPRESENTATION THEREOF DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT IS PART OF A TEMPORARY DISPLAY OF ANY INSTRUCTIONAL OR HISTORICAL MATERIALS NOT PERMANENTLY AFFIXED OR ATTACHED TO ANY PART OF THE BUILDINGS OR GROUNDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(b) This subsection (4) shall be an affirmative defense.

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

Approved: April 19, 2002