

## CHAPTER 258

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**GOVERNMENT - STATE**

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**SENATE BILL 03-235**

BY SENATOR(S) Lamborn, Andrews, Arnold, Cairns, Chlouber, Evans, Johnson S., Jones, May R., and Nichol;  
also REPRESENTATIVE(S) Mitchell, Brophy, Cadman, Cloer, Crane, Fairbank, Fritz, Hall, Hefley, Hoppe, King, Lee, Lundberg,  
May M., Miller, Rhodes, Rose, Salazar, Schultheis, Sinclair, Spence, Spradley, Stafford, Stengel, White, Wiens, and Young.

**AN ACT****CONCERNING THE RIGHT TO DISPLAY THE UNITED STATES FLAG.**

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

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

**27-2-108.5. Personal display of flags.** (1) THE RIGHT TO DISPLAY REASONABLY THE FLAG OF THE UNITED STATES SHALL NOT BE INFRINGED WITH RESPECT TO THE DISPLAY:

- (a) ON AN INDIVIDUAL'S PERSON;
- (b) ANYWHERE ON AN INDIVIDUAL'S PERSONAL OR REAL PROPERTY; AND

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

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

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

AMENDED.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (2) TO THE CONTRARY, AN OWNERS' ASSOCIATION, THE STATE, OR A POLITICAL SUBDIVISION MAY ADOPT REASONABLE RULES AND REGULATIONS REGARDING THE SIZE, NUMBER, PLACEMENT, MANNER OF DISPLAY, AND LIGHTING OF THE FLAG, AND THE LOCATION, SIZE, AND HEIGHT OF FLAGPOLES.

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

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

**SECTION 2. 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: May 14, 2003