

## CHAPTER 110

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 07-1050**

BY REPRESENTATIVE(S) Todd and Kerr A., Rice, Borodkin, Carroll M., Carroll T., Labuda, Levy, Madden, McGihon, Merrifield, and Pommer;  
also SENATOR(S) Williams.

**AN ACT****CONCERNING THE DISPLAY OF FLAGS.**

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

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

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

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

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

(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.~~

(V) THE DISPLAY OF A PRISONERS OF WAR AND MISSING IN ACTION FLAG OR OTHER

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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.*

APPROPRIATE VETERAN COMMEMORATIVE, UNITED STATES OR STATE ARMED FORCES, OR MILITARY COMMEMORATIVE FLAG WHEN DISPLAYED IN ACCORDANCE WITH 4 U.S.C. SEC. 7;

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

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

**SECTION 2. Effective date - applicability.** (1) 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, (August 8, 2007, if adjournment sine die is on May 9, 2007); 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.

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

Approved: April 9, 2007