



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1694

Introduced 2/20/2015, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

5 ILCS 465/10
5 ILCS 465/15 new
765 ILCS 605/18.6
30 ILCS 805/8.39 new

Amends the Flag Display Act. Designates the Honor and Remember Flag as the symbol of the State's concern for and commitment to honoring and remembering the lives of all members of the United States armed forces who have lost their lives while serving or as a result of service and their families. Provides for the dates when and the locations where the Honor and Remember Flag must be displayed. Amends the Condominium Property Act. Adds the Honor and Remember Flag under the definition of "military flag" that is permitted to be flown by a unit owner under certain circumstances. Amends the State Mandates Act to require implementation without reimbursement.

LRB099 02765 JLK 22773 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning government, which may be referred to as
2 the Honor and Remember Flag Recognition Act.

3 WHEREAS, Since the Revolutionary War, more than 1,000,000
4 members of the armed forces of the United States have paid the
5 ultimate price by sacrificing their lives in the line of duty;
6 the contribution of those fallen members of the armed forces
7 are deserving of recognition by the State of Illinois; and

8 WHEREAS, Currently, there is no officially recognized
9 symbol that specifically acknowledges members of the armed
10 forces who have died in the line of duty; and

11 WHEREAS, The Honor and Remember Flag's red field represents
12 the blood shed by brave men and women who sacrificed their
13 lives for freedom and the flag's white field and border
14 recognizes the purity of that sacrifice; the flag's blue star
15 is a symbol of active service in military conflict that dates
16 back to World War I; the flag's gold star signifies the
17 ultimate sacrifice of a warrior in active service who is not
18 returning home and reflects the value of the life given; the
19 folded flag element highlights this nation's final tribute to a
20 fallen service member and a family's sacrifice; the flag's
21 flame symbolizes the eternal spirit of the departed; and

22 WHEREAS, The Honor and Remember Flag is a unifying symbol
23 recognizing this State's solemn debt to the estimated 1,600,000

1 fallen service members throughout history and the families and
2 communities who mourn their loss; therefore

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The Flag Display Act is amended by changing
6 Section 10 and adding Section 15 as follows:

7 (5 ILCS 465/10)

8 Sec. 10. Death of resident military member, law enforcement
9 officer, firefighter, or members of EMS crews.

10 (a) The Governor shall issue an official notice to fly the
11 following flags at half-staff upon the death of a resident of
12 this State killed (i) by hostile fire as a member of the United
13 States armed forces, (ii) in the line of duty as a law
14 enforcement officer, (iii) in the line of duty as a
15 firefighter, or (iv) in the line of duty as a member of an
16 Emergency Medical Services (EMS) crew: the United States
17 national flag, the State flag of Illinois, and, in the case of
18 the death of the member of the United States armed forces, the
19 appropriate military flag as defined in subsection (b) of
20 Section 18.6 of the Condominium Property Act and the Honor and
21 Remember Flag designated under Section 15 of this Act. Upon the
22 Governor's notice, each person or entity required by this Act
23 to ensure the display of the United States national flag on a

1 flagstaff shall ensure that the flags described in the notice
2 are displayed at half-staff on the day designated for the
3 resident's funeral and the 2 days preceding that day.

4 (b) The Department of Veterans' Affairs shall notify the
5 Governor of the death by hostile fire of an Illinois resident
6 member of the United States armed forces. The Department of
7 State Police shall notify the Governor of the death in the line
8 of duty of an Illinois resident law enforcement officer. The
9 Office of the State Fire Marshal shall notify the Governor of
10 the death in the line of duty of an Illinois resident
11 firefighter. The Department of Public Health shall notify the
12 Governor of the death in the line of duty of an Illinois
13 resident member of an Emergency Medical Services (EMS) crew.
14 Notice to the Governor shall include at least the resident's
15 name and Illinois address, the date designated for the funeral,
16 and the circumstances of the death.

17 (c) For the purpose of this Section, the United States
18 armed forces includes: (i) the United States Army, Navy, Marine
19 Corps, Air Force, and Coast Guard; (ii) any reserve component
20 of each of the forces listed in item (i); and (iii) the
21 National Guard.

22 (d) Nothing in this Section requires the removal or
23 relocation of any existing flags currently displayed in the
24 State. This Section does not apply to a State facility if the
25 requirements of this Section cannot be satisfied without a
26 physical modification to that facility.

1 (Source: P.A. 98-234, eff. 1-1-14.)

2 (5 ILCS 465/15 new)

3 Sec. 15. Honor and Remember Flag.

4 (a) The Honor and Remember Flag is designated as the symbol
5 of the State's concern for and commitment to honoring and
6 remembering the lives of all members of the United States armed
7 forces who have lost their lives while serving or as a result
8 of service and their families.

9 (b) The Honor and Remember Flag shall be displayed at the
10 locations specified in subsection (c) of this Section on the
11 following days:

12 (1) Armed Forces Day, the third Saturday in May.

13 (2) Memorial Day, the last Monday in May.

14 (3) Flag Day, June 14.

15 (4) Fourth of July.

16 (5) National POW/MIA Recognition Day, the third Friday
17 of September.

18 (6) Gold Star Mother's Day, the last Sunday of
19 September.

20 (7) Veterans Day, November 11.

21 (8) Whenever there is a State military casualty.

22 The Honor and Remember Flag should be displayed at all
23 State military memorials and State veteran cemeteries whenever
24 the flag of the United States is flown.

25 (c) The Honor and Remember Flag shall be displayed at the

1 State Capitol and the locations designated in Sections 1, 2,
2 and 3b of this Act in the manner specified by those Sections.

3 Section 10. The Condominium Property Act is amended by
4 changing Section 18.6 as follows:

5 (765 ILCS 605/18.6)

6 Sec. 18.6. Display of American flag or military flag.

7 (a) Notwithstanding any provision in the declaration,
8 bylaws, rules, regulations, or agreements or other instruments
9 of a condominium association or a master association or a
10 common interest community association or a board's
11 construction of any of those instruments, a board may not
12 prohibit the display of the American flag or a military flag,
13 or both, on or within the limited common areas and facilities
14 of a unit owner or on the immediately adjacent exterior of the
15 building in which the unit of a unit owner is located. A board
16 may adopt reasonable rules and regulations, consistent with
17 Sections 4 through 10 of Chapter 1 of Title 4 of the United
18 States Code, regarding the placement and manner of display of
19 the American flag and a board may adopt reasonable rules and
20 regulations regarding the placement and manner of display of a
21 military flag. A board may not prohibit the installation of a
22 flagpole for the display of the American flag or a military
23 flag, or both, on or within the limited common areas and
24 facilities of a unit owner or on the immediately adjacent

1 exterior of the building in which the unit of a unit owner is
2 located, but a board may adopt reasonable rules and regulations
3 regarding the location and size of flagpoles.

4 (b) As used in this Section:

5 "American flag" means the flag of the United States (as
6 defined in Section 1 of Chapter 1 of Title 4 of the United
7 States Code and the Executive Orders entered in connection with
8 that Section) made of fabric, cloth, or paper displayed from a
9 staff or flagpole or in a window, but "American flag" does not
10 include a depiction or emblem of the American flag made of
11 lights, paint, roofing, siding, paving materials, flora, or
12 balloons, or any other similar building, landscaping, or
13 decorative component.

14 "Board" includes a board of managers or a board of a master
15 association or a common interest community association.

16 "Military flag" means a flag of any branch of the United
17 States armed forces or the Illinois National Guard and the
18 Honor and Remember Flag made of fabric, cloth, or paper
19 displayed from a staff or flagpole or in a window, but
20 "military flag" does not include a depiction or emblem of a
21 military flag made of lights, paint, roofing, siding, paving
22 materials, flora, or balloons, or any other similar building,
23 landscaping, or decorative component.

24 (Source: P.A. 93-481, eff. 1-1-04.)

25 Section 90. The State Mandates Act is amended by adding

1 Section 8.39 as follows:

2 (30 ILCS 805/8.39 new)

3 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8
4 of this Act, no reimbursement by the State is required for the
5 implementation of any mandate created by this amendatory Act of
6 the 99th General Assembly.