



Sen. Sue Rezin

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10300SB1072sam001

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1 AMENDMENT TO SENATE BILL 1072

2 AMENDMENT NO. _____. Amend Senate Bill 1072 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Flag Display Act is amended by changing
5 Section 10 and adding Section 16 as follows:

6 (5 ILCS 465/10)

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

9 (a) The Governor shall issue an official notice to fly the
10 following flags at half-staff upon the death of a resident of
11 this State killed (i) by hostile fire as a member of the United
12 States armed forces, (ii) in the line of duty as a law
13 enforcement officer, (iii) in the line of duty as a
14 firefighter, (iv) in the line of duty as a member of an
15 Emergency Medical Services (EMS) crew, or (v) during on duty
16 training for active military duty: the United States national

1 flag, the State flag of Illinois, and, in the case of the death
2 of the member of the United States armed forces, the
3 appropriate military flag as defined in subsection (b) of
4 Section 18.6 of the Condominium Property Act and the Honor and
5 Remember Flag designated under Section 16 of this Act. Upon
6 the Governor's notice, each person or entity required by this
7 Act to ensure the display of the United States national flag on
8 a flagstaff shall ensure that the flags described in the
9 notice are displayed at half-staff on the day designated for
10 the resident's funeral and the 2 days preceding that day.

11 (b) The Department of Veterans' Affairs shall notify the
12 Governor of the death by hostile fire of an Illinois resident
13 member of the United States armed forces. In lieu of notice
14 being provided by the Department of Veterans' Affairs, any
15 other State or Federal entity, agency, or person holding such
16 information may notify the Governor of the death by hostile
17 fire of an Illinois resident member of the United States armed
18 forces. If such notice is provided to the Governor by an
19 entity, agency, or person other than the Department of
20 Veterans' Affairs, then the obligation to notify the Governor
21 of an Illinois resident soldier's death under this subsection
22 (b) shall be considered fulfilled. The Illinois State Police
23 shall notify the Governor of the death in the line of duty of
24 an Illinois resident law enforcement officer. The Office of
25 the State Fire Marshal shall notify the Governor of the death
26 in the line of duty of an Illinois resident firefighter. The

1 Department of Public Health shall notify the Governor of the
2 death in the line of duty of an Illinois resident member of an
3 Emergency Medical Services (EMS) crew. Notice to the Governor
4 shall include at least the resident's name and Illinois
5 address, the date designated for the funeral, and the
6 circumstances of the death.

7 (c) For the purpose of this Section, the United States
8 armed forces includes: (i) the United States Army, Navy,
9 Marine Corps, Air Force, and Coast Guard; (ii) any reserve
10 component of each of the forces listed in item (i); and (iii)
11 the National Guard.

12 (d) Nothing in this Section requires the removal or
13 relocation of any existing flags currently displayed in the
14 State. This Section does not apply to a State facility if the
15 requirements of this Section cannot be satisfied without a
16 physical modification to that facility.

17 (Source: P.A. 102-538, eff. 8-20-21.)

18 (5 ILCS 465/16 new)

19 Sec. 16. Honor and Remember Flag.

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

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

1 locations specified in subsection (c) of this Section on the
2 following days:

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

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

5 (3) Flag Day, June 14.

6 (4) Fourth of July.

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

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

11 (7) Veterans Day, November 11.

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

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

16 (c) The Honor and Remember Flag shall be displayed at the
17 State Capitol and the locations designated in Sections 1, 2,
18 and 3b of this Act in the manner specified by those Sections.

19 Section 10. The Condominium Property Act is amended by
20 changing Section 18.6 as follows:

21 (765 ILCS 605/18.6)

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

23 (a) Notwithstanding any provision in the declaration,
24 bylaws, rules, regulations, or agreements or other instruments

1 of a condominium association or a master association or a
2 common interest community association or a board's
3 construction of any of those instruments, a board may not
4 prohibit the display of the American flag or a military flag,
5 or both, on or within the limited common areas and facilities
6 of a unit owner or on the immediately adjacent exterior of the
7 building in which the unit of a unit owner is located. A board
8 may adopt reasonable rules and regulations, consistent with
9 Sections 4 through 10 of Chapter 1 of Title 4 of the United
10 States Code, regarding the placement and manner of display of
11 the American flag and a board may adopt reasonable rules and
12 regulations regarding the placement and manner of display of a
13 military flag. A board may not prohibit the installation of a
14 flagpole for the display of the American flag or a military
15 flag, or both, on or within the limited common areas and
16 facilities of a unit owner or on the immediately adjacent
17 exterior of the building in which the unit of a unit owner is
18 located, but a board may adopt reasonable rules and
19 regulations regarding the location and size of flagpoles.

20 (b) As used in this Section:

21 "American flag" means the flag of the United States (as
22 defined in Section 1 of Chapter 1 of Title 4 of the United
23 States Code and the Executive Orders entered in connection
24 with that Section) made of fabric, cloth, or paper displayed
25 from a staff or flagpole or in a window, but "American flag"
26 does not include a depiction or emblem of the American flag

1 made of lights, paint, roofing, siding, paving materials,
2 flora, or balloons, or any other similar building,
3 landscaping, or decorative component.

4 "Board" includes a board of managers or a board of a master
5 association or a common interest community association.

6 "Military flag" means a flag of any branch of the United
7 States armed forces or the Illinois National Guard and the
8 Honor and Remember Flag made of fabric, cloth, or paper
9 displayed from a staff or flagpole or in a window, but
10 "military flag" does not include a depiction or emblem of a
11 military flag made of lights, paint, roofing, siding, paving
12 materials, flora, or balloons, or any other similar building,
13 landscaping, or decorative component.

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

15 Section 90. The State Mandates Act is amended by adding
16 Section 8.47 as follows:

17 (30 ILCS 805/8.47 new)

18 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
19 8 of this Act, no reimbursement by the State is required for
20 the implementation of any mandate created by this amendatory
21 Act of the 103rd General Assembly."