

1 AN ACT concerning government.

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

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
17 flag, the State flag of Illinois, and, in the case of the death
18 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 16 of this Act. Upon
22 the Governor's notice, each person or entity required by this
23 Act to ensure the display of the United States national flag on

1 a flagstaff shall ensure that the flags described in the
2 notice are displayed at half-staff on the day designated for
3 the 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. In lieu of notice
7 being provided by the Department of Veterans' Affairs, any
8 other State or Federal entity, agency, or person holding such
9 information may notify the Governor of the death by hostile
10 fire of an Illinois resident member of the United States armed
11 forces. If such notice is provided to the Governor by an
12 entity, agency, or person other than the Department of
13 Veterans' Affairs, then the obligation to notify the Governor
14 of an Illinois resident soldier's death under this subsection
15 (b) shall be considered fulfilled. The Illinois State Police
16 shall notify the Governor of the death in the line of duty of
17 an Illinois resident law enforcement officer. The Office of
18 the State Fire Marshal shall notify the Governor of the death
19 in the line of duty of an Illinois resident firefighter. The
20 Department of Public Health shall notify the Governor of the
21 death in the line of duty of an Illinois resident member of an
22 Emergency Medical Services (EMS) crew. Notice to the Governor
23 shall include at least the resident's name and Illinois
24 address, the date designated for the funeral, and the
25 circumstances of the death.

26 (c) For the purpose of this Section, the United States

1 armed forces includes: (i) the United States Army, Navy,
2 Marine Corps, Air Force, and Coast Guard; (ii) any reserve
3 component of each of the forces listed in item (i); and (iii)
4 the National Guard.

5 (d) Nothing in this Section requires the removal or
6 relocation of any existing flags currently displayed in the
7 State. This Section does not apply to a State facility if the
8 requirements of this Section cannot be satisfied without a
9 physical modification to that facility.

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

11 (5 ILCS 465/16 new)

12 Sec. 16. Honor and Remember Flag.

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

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

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

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

23 (3) Flag Day, June 14.

24 (4) Fourth of July.

25 (5) National POW/MIA Recognition Day, the third Friday

1 of September.

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

4 (7) Veterans Day, November 11.

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

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

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

12 Section 10. The Condominium Property Act is amended by
13 changing Section 18.6 as follows:

14 (765 ILCS 605/18.6)

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

16 (a) Notwithstanding any provision in the declaration,
17 bylaws, rules, regulations, or agreements or other instruments
18 of a condominium association or a master association or a
19 common interest community association or a board's
20 construction of any of those instruments, a board may not
21 prohibit the display of the American flag or a military flag,
22 or both, on or within the limited common areas and facilities
23 of a unit owner or on the immediately adjacent exterior of the
24 building in which the unit of a unit owner is located. A board

1 may adopt reasonable rules and regulations, consistent with
2 Sections 4 through 10 of Chapter 1 of Title 4 of the United
3 States Code, regarding the placement and manner of display of
4 the American flag and a board may adopt reasonable rules and
5 regulations regarding the placement and manner of display of a
6 military flag. A board may not prohibit the installation of a
7 flagpole for the display of the American flag or a military
8 flag, or both, on or within the limited common areas and
9 facilities of a unit owner or on the immediately adjacent
10 exterior of the building in which the unit of a unit owner is
11 located, but a board may adopt reasonable rules and
12 regulations regarding the location and size of flagpoles.

13 (b) As used in this Section:

14 "American flag" means the flag of the United States (as
15 defined in Section 1 of Chapter 1 of Title 4 of the United
16 States Code and the Executive Orders entered in connection
17 with that Section) made of fabric, cloth, or paper displayed
18 from a staff or flagpole or in a window, but "American flag"
19 does not include a depiction or emblem of the American flag
20 made of lights, paint, roofing, siding, paving materials,
21 flora, or balloons, or any other similar building,
22 landscaping, or decorative component.

23 "Board" includes a board of managers or a board of a master
24 association or a common interest community association.

25 "Military flag" means a flag of any branch of the United
26 States armed forces or the Illinois National Guard and the

1 Honor and Remember Flag made of fabric, cloth, or paper
2 displayed from a staff or flagpole or in a window, but
3 "military flag" does not include a depiction or emblem of a
4 military flag made of lights, paint, roofing, siding, paving
5 materials, flora, or balloons, or any other similar building,
6 landscaping, or decorative component.
7 (Source: P.A. 93-481, eff. 1-1-04.)

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.47 as follows:

10 (30 ILCS 805/8.47 new)

11 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
12 8 of this Act, no reimbursement by the State is required for
13 the implementation of any mandate created by this amendatory
14 Act of the 103rd General Assembly.