

AN ACT concerning government.

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

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

(5 ILCS 465/10)

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

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

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

(b) The Department of Veterans' Affairs shall notify the Governor of the death by hostile fire of an Illinois resident member of the United States armed forces. In lieu of notice being provided by the Department of Veterans' Affairs, any other State or Federal entity, agency, or person holding such information may notify the Governor of the death by hostile fire of an Illinois resident member of the United States armed forces. If such notice is provided to the Governor by an entity, agency, or person other than the Department of Veterans' Affairs, then the obligation to notify the Governor of an Illinois resident soldier's death under this subsection (b) shall be considered fulfilled. The Illinois State Police shall notify the Governor of the death in the line of duty of an Illinois resident law enforcement officer. The Office of the State Fire Marshal shall notify the Governor of the death in the line of duty of an Illinois resident firefighter. The Department of Public Health shall notify the Governor of the death in the line of duty of an Illinois resident member of an Emergency Medical Services (EMS) crew. Notice to the Governor shall include at least the resident's name and Illinois address, the date designated for the funeral, and the circumstances of the death.

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

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

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

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

(5 ILCS 465/16 new)

Sec. 16. Honor and Remember Flag.

(a) The Honor and Remember Flag is designated 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.

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

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

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

(3) Flag Day, June 14.

(4) Fourth of July.

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

of September.

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

(7) Veterans Day, November 11.

(8) Whenever there is a State military casualty.

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

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

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

(765 ILCS 605/18.6)

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

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

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

(b) As used in this Section:

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

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

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

Honor and Remember Flag made of fabric, cloth, or paper displayed from a staff or flagpole or in a window, but "military flag" does not include a depiction or emblem of a military flag made of lights, paint, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component.

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

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

(30 ILCS 805/8.47 new)

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