

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1017

(Delegate Boteler, *et al.*)

Environmental Matters

Judicial Proceedings

Real Property - Display of United States Flag by Homeowners and Tenants

This bill authorizes a homeowner or tenant to display on the premises of the residence one portable, removable flag of the United States, regardless of any deed, covenant, restriction, bylaw, or any other document concerning the display of flags or decorations on residential real property. The bill prohibits the terms of any document or agreement from prohibiting or unduly restricting the right of a homeowner or tenant to display such a flag. The bill applies to all residential real property.

Fiscal Summary

State Effect: The bill would not materially affect governmental operations or finances.

Local Effect: None – see above.

Small Business Effect: None.

Analysis

Current Law: County school boards are required to display the American flag at each of its public school buildings and to adopt rules and regulations for the proper custody, care, and display of the flag. No provision requires, restricts, or governs a contract provision restricting the display of a flag at a private residence.

Background: Under federal law, it is the universal custom to display the American flag from sunrise to sunset. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness. The flag should not be displayed during inclement weather, unless an all weather flag is displayed.

The flag should be displayed on all days, especially various federal holidays and days of commemoration.

Additional Information

Prior Introductions: A similar bill, HB 712, was introduced during the 2003 session. It was heard in the House Environmental Matters Committee, but no further action was taken.

Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2004
lc/jr Revised - House Third Reader - March 30, 2004

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