

**HB 3110 STAFF MEASURE SUMMARY**

**House Committee On Emergency Management, General Government, and Veterans**

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**Meeting Dates:** 2/6

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**WHAT THE MEASURE DOES:**

Directs public buildings to transition to displaying United State and state flags manufactured of non-flammable materials, by July 4, 2026.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Oregon Revised Statutes (ORS) 166.075 designates, as a Class C misdemeanor, the abuse of venerated objects, defined as when a person intentionally abuses (defaces, damages, defiles, or mistreats) a public monument or structure, a place of worship, or the national or state flag.

In the 1989 case of *Texas v Johnson* (491 U.S. 397), the Supreme Court ruled that according to the First Amendment, it is unconstitutional for a government (whether federal, state, or municipal) to prohibit the desecration of a flag, due to its status as "symbolic speech." Congress subsequently enacted the Flag Protection Act of 1989, which stated that "whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both." In a subsequent Supreme Court decision, *United States v Eichman* (496 U.S. 310) the Court struck down the law, as "its asserted interest is related to the suppression of free expression and concerned with the content of such expression."