

Legislative Analysis



"STOLEN VALOR" LAW

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Senate Bill 950 (Substitute S-1)

Sponsor: Sen. Randy Richardville

House Committee: Judiciary

Senate Committee: Senior Citizens and Veterans Affairs

Complete to 8-25-10

A SUMMARY OF SENATE BILL 950 AS PASSED BY THE SENATE 11-10-09

The bill would create the Stolen Valor Law to prohibit the misrepresentation of current or former military status with the intent to defraud, obtain employment, or be elected or appointed to public office; establish penalties for a violation; and exempt certain individuals or organizations from the act.

Specifically, Senate Bill 950 would add a new section, entitled the "Stolen Valor Law," to the Michigan Penal Code (MCL 750.286). The bill would make it a criminal offense to misrepresent current or former military status when making certain claims – either orally or in writing or by false display – with the intent to defraud, obtain employment, or be elected or appointed to public office. A person would be prohibited from claiming that he or she:

- Is entitled to wear military awards, decorations, or rank.
- Served in the U.S. Armed Forces, the Reserves, or the National Guard.
- Served during a wartime era (whether or not there was a declared war) or served in a combat zone.
- Served or is serving at a certain location, with a certain rank or rating, or engaged in a certain mission, or any other claim concerning his or her actual military service.

Penalties

A violation of the act would be a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$5,000 and not more than 100 hours of community service performed in a veterans home or for a veterans organization.

Further, a person could still be charged with, convicted of, and sentenced for any other violation of law in addition to a violation under the bill.

Exemptions

The bill would allow numerous exemptions to exclude from the penalties a person who, or an organization that, does any of the following:

- Reenacts military history or a military event.

- Acts in the role of a service person in a theatrical, television, or film production or at a patriotic or civic event.
- Currently serves in the Armed Forces and is representing, as part of a military assignment, a service person from another era for ceremonial, recruiting, or training purposes.
- Works or volunteers for a museum and, as part of the duties, represents a service person for ceremonial, historical, or training purposes.
- Owns, displays, purchases, sells, or trades militaria including, but not limited to, medals, ribbons, and rank insignia and does not claim he or she earned them unless legally entitled to do so.
- Uses his or her given name that includes a military rank, so long as he or she does not use the name to defraud another in a manner prohibited by the act.
- Uses a name or honorary military or military-like rank bestowed upon him or her by a public officer, public employee, or public agency, in the name of a public officer or public agency.
- Uses a corporate partnership, sole proprietorship, or other name for a business or product that includes a military rank, so long as the name is not used to defraud another in a manner prohibited by the bill.
- Holds a registered trademark that includes a military rank or honorary rank, so long as the trademark is not used to defraud another in a manner prohibited by the bill.

FISCAL IMPACT:

The bill provides that a person who misrepresents his or her military status in a manner described in the bill would be guilty of a misdemeanor punishable by imprisonment for not more than one year, a fine of not more than \$5,000, or both, and not more than 100 hours of community service in a veterans home or for a veterans service organization. To the extent that persons are convicted of this offense, the bill would increase local incarceration costs and penal fine revenue. Local governments would incur the costs of incarceration in local facilities. These costs vary by county. Any increase in penal fine revenues resulting from the bills would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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