

SENATE BILL No. 950

October 28, 2009, Introduced by Senators RICHARDVILLE, HARDIMAN, ALLEN, PATTERSON, KAHN, ANDERSON, KUIPERS, BIRKHOLZ and PAPPAGEORGE and referred to the Committee on Senior Citizens and Veterans Affairs.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 286.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 286. (1) A PERSON SHALL NOT MISREPRESENT HIS OR HER
2 CURRENT OR FORMER MILITARY STATUS WHEN HE OR SHE MAKES ANY OF THE
3 FOLLOWING CLAIMS, ORALLY OR IN WRITING OR BY FALSE DISPLAY, WITH
4 THE INTENT TO DEFRAUD, OBTAIN EMPLOYMENT, OR BE ELECTED OR
5 APPOINTED TO PUBLIC OFFICE:

6 (A) THAT HE OR SHE IS ENTITLED TO WEAR MILITARY AWARDS,
7 MILITARY DECORATIONS, OR MILITARY RANK.

8 (B) THAT HE OR SHE SERVED IN THE UNITED STATES ARMED FORCES, A
9 RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OR THE

1 NATIONAL GUARD.

2 (C) THAT HE OR SHE SERVED IN THE MILITARY DURING A WARTIME
3 ERA, WHETHER OR NOT THERE WAS A DECLARED WAR, OR SERVED IN A COMBAT
4 ZONE, OR MAKES ANY OTHER MISREPRESENTATION OF ACTUAL MILITARY
5 SERVICE.

6 (2) THIS SECTION DOES NOT APPLY TO A PERSON WHO OR AN
7 ORGANIZATION THAT DOES 1 OR MORE OF THE FOLLOWING:

8 (A) REENACTS MILITARY HISTORY OR A MILITARY EVENT.

9 (B) PLAYS THE PART OF A MEMBER OF THE UNITED STATES ARMED
10 FORCES, A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OR
11 THE NATIONAL GUARD IN A PLAY, MOTION PICTURE, TELEVISION
12 PRODUCTION, OR OTHER DRAMATIC PRODUCTION, OR AT A PATRIOTIC OR
13 CIVIC EVENT.

14 (C) SERVES AS A MEMBER OF THE UNITED STATES ARMED FORCES, A
15 RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OR THE
16 NATIONAL GUARD AND, AS PART OF A MILITARY ASSIGNMENT, IS
17 REPRESENTING A MEMBER OF THE UNITED STATES ARMED FORCES IN A
18 PREVIOUS WAR OR TIME PERIOD FOR CEREMONIAL, RECRUITING, OR TRAINING
19 PURPOSES.

20 (D) WORKS AS AN EMPLOYEE OF OR VOLUNTEER FOR A MUSEUM AND, AS
21 A PART OF HIS OR HER DUTIES, IS REPRESENTING A MEMBER OF THE UNITED
22 STATES ARMED FORCES, A RESERVE COMPONENT OF THE UNITED STATES ARMED
23 FORCES, OR THE NATIONAL GUARD FOR CEREMONIAL, HISTORICAL, OR
24 TRAINING PURPOSES.

25 (E) OWNS, DISPLAYS, PURCHASES, SELLS, OR TRADES MILITARIA,
26 INCLUDING, BUT NOT LIMITED TO, MEDALS, RIBBONS, AND RANK INSIGNIA,
27 AND DOES NOT CLAIM TO HAVE PERSONALLY EARNED THEM UNLESS HE OR SHE

1 IS LEGALLY ENTITLED TO DO SO.

2 (F) USES HIS OR HER GIVEN NAME THAT INCLUDES A MILITARY RANK,
3 SO LONG AS HE OR SHE DOES NOT USE THE NAME TO DEFRAUD ANOTHER IN A
4 MANNER PROHIBITED BY THIS SECTION.

5 (G) USES A NAME OR HONORARY MILITARY OR MILITARY-LIKE RANK
6 THAT HAS BEEN BESTOWED UPON HIM OR HER BY A PUBLIC OFFICER, PUBLIC
7 EMPLOYEE, OR PUBLIC AGENCY, IN THE NAME OF A PUBLIC OFFICER OR
8 PUBLIC AGENCY.

9 (H) USES A CORPORATE, PARTNERSHIP, SOLE PROPRIETORSHIP, OR
10 OTHER NAME FOR A BUSINESS OR PRODUCT THAT INCLUDES A MILITARY RANK,
11 SO LONG AS THE NAME IS NOT USED TO DEFRAUD ANOTHER IN A MANNER
12 PROHIBITED BY THIS SECTION.

13 (I) HOLDS A REGISTERED TRADEMARK THAT INCLUDES A MILITARY RANK
14 OR HONORARY RANK, SO LONG AS THE TRADEMARK IS NOT USED TO DEFRAUD
15 ANOTHER IN A MANNER PROHIBITED BY THIS SECTION.

16 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
17 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR, A
18 FINE OF NOT MORE THAN \$5,000.00, OR BOTH, AND NOT MORE THAN 100
19 HOURS OF COMMUNITY SERVICE, THAT SHALL BE PERFORMED IN A VETERANS
20 HOME OR FOR A VETERANS SERVICE ORGANIZATION.

21 (4) A PERSON MAY BE CHARGED WITH, CONVICTED OF, AND SENTENCED
22 FOR ANY OTHER VIOLATION OF LAW IN ADDITION TO THE VIOLATION OF THIS
23 SECTION.

24 (5) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE
25 "STOLEN VALOR LAW".