



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 386 (as introduced 5-19-11)

Sponsor: Senator John Moolenaar

Committee: Veterans, Military Affairs, and Homeland Security

Date Completed: 6-6-11

CONTENT

The bill would create the "Stolen Valor Law" within the Michigan Penal Code to prohibit and provide a penalty for the misrepresentation of a person's current or former military status with the intent to defraud, obtain employment, or be elected or appointed to public office.

Specifically, the bill would prohibit a person from misrepresenting his or her current or former military status when he or she made any of the following claims, orally or in writing or by false display, with the intent to defraud, obtain employment, or be elected or appointed to public office:

- That he or she was entitled to wear military awards, decorations, or rank.
- That he or she served in the U.S. Armed Forces, a reserve component of the U.S. Armed Forces, or the National Guard.
- That he or she served in the military during a wartime era, whether or not there was a declared war, or served in a combat zone.
- That he or she had served, or was serving, in the military 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.

A violation would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$5,000, or both, and up to 100 hours of community service performed in a veterans home or for a veterans service organization.

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

The bill would not apply to a person who did one or more of the following:

- Re-enacted military history or a military event.
- Played the part of a member of the U.S. Armed Forces, a reserve component of the U.S. Armed Forces, or the National Guard in a play, motion picture, television production, or other dramatic production, or at a patriotic or civic event.
- Served as a member of the U.S. Armed Forces, a reserve component of the U.S. Armed Forces, or the National Guard and, as part of a military assignment, represented a member of the U.S. Armed Forces in a previous war or time period for ceremonial, recruiting, or training purposes.

- Worked as an employee of or volunteer for a museum and, as a part of his or her duties, represented a member of the U.S. Armed Forces, a reserve component of the U.S. Armed Forces, or the National Guard for ceremonial, historical, or training purposes.
- Owned, displayed, purchased, sold, or traded militaria, including medals, ribbons, and rank insignia, and did not claim to have personally earned them unless he or she were legally entitled to do so.
- Used his or her given name that included a military rank, as long as he or she did not use the name to defraud another in a manner prohibited by the bill.
- Used a name or honorary military or military-like rank that had been bestowed upon him or her by a public officer, public employee, or public agency, in the name of a public officer or public agency.
- Used a corporate, partnership, sole proprietorship, or other name for a business or product that included a military rank, as long as the name was not used to defraud another in a manner prohibited by the bill.
- Held a registered trademark that included a military rank or honorary rank, as long as the trademark was not used to defraud another in a manner prohibited by the bill.

Proposed MCL 750.286

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State government and an indeterminate impact on local units of government. There are no data to indicate how many offenders would be convicted of the proposed misdemeanor. Local governments would incur the costs of incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.