

SENATE BILL No. 386

May 19, 2011, Introduced by Senators MOOLENAAR, COLBECK, ROBERTSON, GREEN, JONES, SCHUITMAKER, HILDENBRAND, BOOHER, NOFS, HANSEN, PROOS, CASPERSON, PAPPAGEORGE and EMMONS and referred to the Committee on Veterans, Military Affairs and Homeland Security.

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.

5 (D) THAT HE OR SHE SERVED, OR IS SERVING, IN THE MILITARY AT A
6 CERTAIN LOCATION, WITH A CERTAIN RANK OR RATING, OR ENGAGED IN A
7 CERTAIN MISSION, OR ANY OTHER CLAIM CONCERNING HIS OR HER ACTUAL
8 MILITARY SERVICE.

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

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

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

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

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

1 (E) OWNS, DISPLAYS, PURCHASES, SELLS, OR TRADES MILITARIA,
2 INCLUDING, BUT NOT LIMITED TO, MEDALS, RIBBONS, AND RANK INSIGNIA,
3 AND DOES NOT CLAIM TO HAVE PERSONALLY EARNED THEM UNLESS HE OR SHE
4 IS LEGALLY ENTITLED TO DO SO.

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

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

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

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

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

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

27 (5) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE

1 "STOLEN VALOR LAW".