

## **BILL ANALYSIS**

C.S.H.B. 331  
By: Harper-Brown  
Defense Affairs & State-Federal Relations  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, an image of a fallen soldier can be used for commercial purposes without the consent of surviving relatives. This attempt to profit from the death of a soldier is reprehensible and causes the family further grief.

CSHB 331 provides that permission must be granted, from the individual or by the individual's surviving relatives, prior to the use of a clearly identifiable picture or a name of a member of the United States armed forces, the Texas National Guard, or the national guard of another state, for a commercial purpose.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 331 amends the Business and Commerce Code by defining "heir" and "personal representative".

CSHB 331 provides that a person commits a Class A misdemeanor if the person uses, in an advertisement for commercial purposes, the name of an individual who is an active duty or former member of the United States armed forces, the Texas National Guard or the national guard of another state, or a picture of the individual in uniform in which the individual is clearly identifiable, without the consent of the individual or the individual's surviving spouse or personal representative or a majority of the individuals adult heirs, if the individual is deceased. This section does not apply to a member of the print or broadcast media who uses a name or picture of an individual in a report of news to the public or an advertisement for that report.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute adds that the individual be clearly identifiable in a picture, under this section, and exempts the print and broadcast media who use a name or picture of an individual in a report of the news to the public or an advertisement for that report, from this section.