

BILL ANALYSIS

Senate Research Center

S.B. 277
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Business & Commerce
7/13/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a soldier's image or name can be used for commercial purposes. Many families are concerned that the name or image of their relatives could be exploited for commercial use.

S.B. 277 prohibits the use of a soldier's name or image for the purpose of advertising, unless permission is given by the individual, or the individual's spouse, representative, or heir, and provides that a violation is punishable as a Class A misdemeanor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 35, Business & Commerce Code, by adding Section 35.64, as follows:

Sec. 35.64. CERTAIN USES OF NAME OR PICTURE OF MEMBER OF ARMED FORCES PROHIBITED. (a) Defines "heir" and "personal representative."

(b) Provides that a person commits an offense if that person uses the name of an individual, or a picture of an individual in uniform in which the individual is clearly identifiable, who is an active duty or former member of the United States armed forces, a reserved component of the United States armed forces, or state military forces, for an advertisement or commercial purpose, if that person does so without obtaining the consent of certain persons.

(c) Provides that an offense under this section is a Class A misdemeanor.

(d) Provides that 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.

SECTION 2. Effective date: September 1, 2007.