

By: Harper-Brown, Escobar, Corte, Flynn,
et al.

H.B. No. 331

Substitute the following for H.B. No. 331:

By: Escobar

C.S.H.B. No. 331

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use in an advertisement of a name or picture of a
3 member of the United States armed forces or the national guard;
4 providing a criminal penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 35, Business & Commerce
7 Code, is amended by adding Section 35.64 to read as follows:

8 Sec. 35.64. CERTAIN USES OF NAME OR PICTURE OF MEMBER OF
9 ARMED FORCES OR NATIONAL GUARD PROHIBITED. (a) In this section:

10 (1) "Heir" means a surviving grandparent, parent,
11 sibling, child, or grandchild of a deceased individual.

12 (2) "Personal representative" means an executor,
13 independent executor, administrator, independent administrator, or
14 temporary administrator, together with their successors.

15 (b) A person commits an offense if the person uses, in an
16 advertisement for a commercial purpose, the name of an individual
17 who is an active duty or former member of the United States armed
18 forces, the Texas National Guard, or the national guard of another
19 state, or a picture of the individual in uniform in which the
20 individual is clearly identifiable, without obtaining the consent
21 of:

22 (1) the individual, if the individual is living; or

23 (2) the individual's surviving spouse or personal
24 representative or a majority of the individual's adult heirs, if

1 the individual is deceased.

2 (c) An offense under this section is a Class A misdemeanor.

3 (d) This section does not apply to a member of the print or
4 broadcast media who uses a name or picture of an individual in a
5 report of news to the public or an advertisement for that report.

6 SECTION 2. This Act takes effect September 1, 2007.