

AN ACT

relating to the use in an advertisement of a name or picture of a member of the United States armed forces or the state military forces; providing a criminal penalty.

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

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

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

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

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

(b) A person commits an offense if the person uses, in an advertisement for a commercial purpose, the name of an individual who is an active duty or former member of the United States armed forces, who is a member or former member of a reserve component of the United States armed forces, or who is a member or former member of the state military forces, as defined by Section 431.001, Government Code, or a picture of the individual in uniform in which the individual is clearly identifiable, without obtaining the consent of:

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

1 (2) the individual's surviving spouse or personal
2 representative or a majority of the individual's adult heirs, if
3 the individual is deceased.

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 277 passed the Senate on March 14, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 10, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 277 passed the House, with amendment, on April 25, 2007, by the following vote: Yeas 134, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor