

By: Shapiro, Uresti S.B. No. 277
(In the Senate - Filed January 23, 2007; January 30, 2007,
read first time and referred to Committee on Business and Commerce;
February 28, 2007, reported favorably by the following vote:
Yeas 9, Nays 0; February 28, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the use in an advertisement of a name or picture of a
member of the United States Armed 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 or a picture of the individual in uniform, without obtaining
the consent of:

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

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

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

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