

BILL ANALYSIS

S.B. 431
By: Jackson
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is concern that the law does not provide an adequate deterrent against a person using or claiming to hold a military record that is fraudulent or fictitious. In response, S.B. 431 makes it a Class C misdemeanor to use fraudulent military records to obtain benefits intended for those who have actually served in the military.

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

S.B. 431 amends the Penal Code to make it a Class C misdemeanor offense if a person uses or claims to hold a military record that the person knows is fraudulent, is fictitious or has otherwise not been granted or assigned to the person, or has been revoked, and the person uses or claims to hold that military record in a written or oral advertisement or other promotion of business, or with the intent to do the following: obtain priority in receiving job training and employment services or resources under applicable provisions of the Labor Code; qualify for a veteran's employment preference under applicable provisions of the Government Code; obtain a license or certificate to practice a trade, profession, or occupation; obtain a promotion, compensation, or other benefit, or an increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation; obtain a benefit, service, or donation from another person; obtain admission to an educational program in the state; or gain a position in state government with authority over another person, regardless of whether the actor receives compensation for the position.

S.B. 431 establishes that if conduct that constitutes an offense under the bill's provisions also constitutes an offense under any other law, the actor may be prosecuted under the bill's provisions or the other law. The bill defines "military record" and provides for the meaning of "state military forces" by reference to the Government Code.

EFFECTIVE DATE

September 1, 2011.