

BILL ANALYSIS

Senate Research Center
82R3906 NAJ-F

S.B. 431
By: Jackson
Veteran Affairs & Military Installations
3/3/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 341 addresses the issue of persons fraudulently claiming veteran's status or military records. This bill makes it a Class C misdemeanor to use fraudulent military records to obtain benefits intended for those who have actually served in the military.

As proposed, S.B. 431 amends current law relating to the use of fraudulent or fictitious military records and creates an offense.

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 32, Penal Code, by adding Section 32.54, as follows:

Sec. 32.54. FRAUDULENT OR FICTITIOUS MILITARY RECORDS. (a) Defines in this section, "military record" and "state military forces."

(b) Provides that a person commits an offense if the person:

(1) 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that the person knows is fraudulent, is fictitious or has otherwise not been granted or assigned to the person, or has been revoked; and

(2) uses or claims to hold that military record in a written or oral advertisement or other promotion of a business; or with the intent to obtain priority in receiving services or resources under Subchapter G (Priority of Service in Job Training and Employment Assistance Programs), Chapter 302 (Division of Workforce Development), Labor Code; qualify for a veteran's employment preference under Chapter 657 (Veteran's Employment Preferences), 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 this state; or gain a position in state government with authority over another person, regardless of whether the actor receives compensation for the position.

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

(d) Provides that if conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.

SECTION 2. Effective date: September 1, 2011.