

By: Jackson  
(Smith of Harris)

S.B. No. 431

A BILL TO BE ENTITLED

AN ACT

relating to the use of fraudulent or fictitious military records;  
creating an offense.

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

SECTION 1. Subchapter D, Chapter 32, Penal Code, is amended  
by adding Section 32.54 to read as follows:

Sec. 32.54. FRAUDULENT OR FICTITIOUS MILITARY RECORD.

(a) In this section:

(1) "Military record" means an enlistment record, occupation specialty, medal, award, decoration, or certification obtained by a person through the person's service in the armed forces of the United States or the state military forces.

(2) "State military forces" has the meaning assigned by Section 431.001, Government Code.

(b) A person commits an offense if the person:

(1) uses or claims to hold a military record that the person knows:

(A) is fraudulent;

(B) is fictitious or has otherwise not been granted or assigned to the person; or

(C) has been revoked; and

(2) uses or claims to hold that military record:

(A) in a written or oral advertisement or other promotion of a business; or

1                   (B) with the intent to:

2                   (i) obtain priority in receiving services  
3 or resources under Subchapter G, Chapter 302, Labor Code;

4                   (ii) qualify for a veteran's employment  
5 preference under Chapter 657, Government Code;

6                   (iii) obtain a license or certificate to  
7 practice a trade, profession, or occupation;

8                   (iv) obtain a promotion, compensation, or  
9 other benefit, or an increase in compensation or other benefit, in  
10 employment or in the practice of a trade, profession, or  
11 occupation;

12                   (v) obtain a benefit, service, or donation  
13 from another person;

14                   (vi) obtain admission to an educational  
15 program in this state; or

16                   (vii) gain a position in state government  
17 with authority over another person, regardless of whether the actor  
18 receives compensation for the position.

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

20                   (d) If conduct that constitutes an offense under this  
21 section also constitutes an offense under any other law, the actor  
22 may be prosecuted under this section or the other law.

23                   SECTION 2. This Act takes effect September 1, 2011.