

By: Jackson

S.B. No. 431

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the use of fraudulent or fictitious military records;
3 creating an offense.

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

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

7 Sec. 32.54. FRAUDULENT OR FICTITIOUS MILITARY RECORD. (a)
8 In this section:

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

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

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

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

18 (A) is fraudulent;

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

21 (C) has been revoked; and

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

23 (A) in a written or oral advertisement or other
24 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.