

1-1 By: Jackson S.B. No. 431
1-2 (In the Senate - Filed January 28, 2011; February 2, 2011,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; March 21, 2011, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; March 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of fraudulent or fictitious military records;
1-9 creating an offense.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter D, Chapter 32, Penal Code, is amended
1-12 by adding Section 32.54 to read as follows:

1-13 Sec. 32.54. FRAUDULENT OR FICTITIOUS MILITARY RECORD.

1-14 (a) In this section:

1-15 (1) "Military record" means an enlistment record,
1-16 occupation specialty, medal, award, decoration, or certification
1-17 obtained by a person through the person's service in the armed
1-18 forces of the United States or the state military forces.

1-19 (2) "State military forces" has the meaning assigned
1-20 by Section 431.001, Government Code.

1-21 (b) A person commits an offense if the person:

1-22 (1) uses or claims to hold a military record that the
1-23 person knows:

1-24 (A) is fraudulent;

1-25 (B) is fictitious or has otherwise not been
1-26 granted or assigned to the person; or

1-27 (C) has been revoked; and

1-28 (2) uses or claims to hold that military record:

1-29 (A) in a written or oral advertisement or other
1-30 promotion of a business; or

1-31 (B) with the intent to:

1-32 (i) obtain priority in receiving services
1-33 or resources under Subchapter G, Chapter 302, Labor Code;

1-34 (ii) qualify for a veteran's employment
1-35 preference under Chapter 657, Government Code;

1-36 (iii) obtain a license or certificate to
1-37 practice a trade, profession, or occupation;

1-38 (iv) obtain a promotion, compensation, or
1-39 other benefit, or an increase in compensation or other benefit, in
1-40 employment or in the practice of a trade, profession, or
1-41 occupation;

1-42 (v) obtain a benefit, service, or donation
1-43 from another person;

1-44 (vi) obtain admission to an educational
1-45 program in this state; or

1-46 (vii) gain a position in state government
1-47 with authority over another person, regardless of whether the actor
1-48 receives compensation for the position.

1-49 (c) An offense under this section is a Class C misdemeanor.

1-50 (d) If conduct that constitutes an offense under this
1-51 section also constitutes an offense under any other law, the actor
1-52 may be prosecuted under this section or the other law.

1-53 SECTION 2. This Act takes effect September 1, 2011.

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