

BILL ANALYSIS

Senate Research Center

S.B. 835
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Veteran Affairs & Military Installations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2011, the 82nd Legislature passed S.B. 431 (Jackson; SP: Wayne Smith), which created the offense of fraudulently or fictitiously claiming to hold a military record. This law was passed in response to claims that persons were manufacturing fraudulent military records for the purpose of securing preferences, admission, or other benefits reserved for persons with actual military service. Under the act, a person commits an offense if they claim a military record that they know to be fraudulent or fictitious for the purpose promoting a business or otherwise securing a benefit or preference reserved for veterans under state law. A violation of this law is a Class C misdemeanor, punishable by a fine not to exceed \$500.

Additionally, the federal Stolen Valor Act of 2013 amended the federal criminal code to rewrite provisions relating to fraudulent claims about military service. Convicted individuals are subject to a fine, up to one year imprisonment, or both. Although Texas law similarly criminalizes such fraudulent claims, it does so only to the extent of a Class C misdemeanor. Interested parties contend that state law should be updated to reflect the higher federal penalties.

S.B. 835 therefore increases the penalty for a fraudulent or fictitious military record from a Class C misdemeanor to a Class A misdemeanor, which is punishable by a fine of up to \$4,000, one year in jail, or both.

S.B. 835 amends current law relating to increasing the punishment for the offense of fraudulent or fictitious military record.

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 Section 32.54(c), Penal Code, to provide that an offense under this section is a Class B, rather than a Class C, misdemeanor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.