Criminal Penalties for Fraudulent Military Records

The Act makes it a Class C misdemeanor to use fraudulent military records to obtain benefits intended for those who have actually served in the military.

Submitted as:
Texas
SB 431
Status: Became law in June 2011.

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short title.] This Act may be cited as the “Fraudulent or Fictitious Military Record.”

Section 2. [Definitions.]
(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 in [insert citation.]

Section 3. [Fraudulent or Fictitious Military Records.]
(a) 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(C) has been revoked; and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
(B) with the intent to:
(i) obtain priority in receiving services or resources under [Insert citation];
(ii) qualify for a veteran's employment preference [Insert citation];
(iii) obtain a license or certificate to practice a trade, profession, or occupation;
(iv) 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;
(v) obtain a benefit, service, or donation from another person;
(vi) obtain admission to an educational program in this state; or
(vii) gain a position in state government with authority over another person, regardless of whether the actor receives compensation for the position.
(b) An offense under this section is a Class C misdemeanor.
(c) 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 4. [Severability.] Insert severability clause.

Section 5. [Repealer.] Insert repealer clause.

Section 6. [Effective Date.] Insert effective date.