

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.)

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

3
4 Section 2. [*Definitions.*]

5 (a) In this section:

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

9 (2) "State military forces" has the meaning assigned in [insert citation.]

10
11 Section 3. [*Fraudulent or Fictitious Military Records.*]

12 (a) A person commits an offense if the person:

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

14 (A) is fraudulent;

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

16 or

17 (C) has been revoked; and

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

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

20 (B) with the intent to:

21 (i) obtain priority in receiving services or resources under [*Insert*
22 *citation*];

23 (ii) qualify for a veteran's employment preference [*Insert citation*];

24 (iii) obtain a license or certificate to practice a trade, profession, or
25 occupation;

26 (iv) obtain a promotion, compensation, or other benefit, or an increase
27 in compensation or other benefit, in employment or in the practice of a trade,
28 profession, or occupation;

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

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

31 (vii) gain a position in state government with authority over another

32 person, regardless of whether the actor receives compensation for the position.

33 (b) An offense under this section is a Class C misdemeanor.

1 (c) If conduct that constitutes an offense under this section also constitutes an offense under
2 any other law, the actor may be prosecuted under this section or the other law.

3

4 Section 4. [*Severability.*] Insert severability clause.

5

6 Section 5. [*Repealer.*] Insert repealer clause.

7

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