

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-1350/1 PJH:kjf:jf

## 2015 SENATE BILL 95

- March 27, 2015 Introduced by Senators Roth, NASS, PETROWSKI, MOULTON, FARROW, GUDEX, COWLES, OLSEN and L. TAYLOR, cosponsored by Representatives STEFFEN, PETRYK, JACQUE, BRANDTJEN, KITCHENS, TITTL, KNODL, KULP, ROHRKASTE, A. OTT, SPIROS, JAGLER, E. BROOKS, T. LARSON, MURSAU, HESSELBEIN, BERNIER, RIPP, R. BROOKS, QUINN, MURPHY, WEATHERSTON, HORLACHER, EDMING, ALLEN, SINICKI, BORN, KLEEFISCH, GENRICH and HINTZ. Referred to Committee on Judiciary and Public Safety.
- 1 AN ACT to create 946.78 of the statutes; relating to: falsely claiming military

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service or honors, and providing a penalty.

## Analysis by the Legislative Reference Bureau

Under this bill, any person who falsely, and with the intent to obtain a tangible financial or other tangible benefit, claims that he or she is serving or has served in the military, or that he or she has received an honor or award related to military service, is guilty of a crime.

Under the bill, a person who makes the false claim is guilty of a class A misdemeanor, unless he or she makes the false claim with the intent to commit or to aid or abet another crime. Under those circumstances, the person is guilty of a class H felony.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SECTION 1.** 946.78 of the statutes is created to read:

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**SENATE BILL 95** 

1	<b>946.78 False statement regarding military service.</b> (1) In this section:
2	(a) "Military" means the U.S. armed forces, the state defense force, the national
3	guard of any state, or any other reserve component of the U.S. armed forces.
4	(b) "Tangible benefit" includes financial remuneration, an effect on the outcome
5	of a criminal or civil court proceeding, an effect on an election, and any benefit
6	relating to service in the military that is provided by a federal, state, or local
7	governmental unit or agency.
8	(2) Except as provided in sub. (3), whoever knowingly and with the intent to
9	receive a tangible benefit falsely claims any of the following is guilty of a Class A
10	misdemeanor:
11	(a) That he or she is or was a service member in the military.
12	(b) That he or she has been awarded a Congressional Medal of Honor, a
13	Distinguished Service Cross, a Navy Cross, an Air Force Cross, a Silver Star, a
14	Purple Heart, a Combat Infantryman's Badge, a Combat Action Badge, a Combat
15	Medical Badge, a Combat Action Ribbon, a Combat Action Medal, or a Special
16	Operations Identifier or Special Qualification or Skill Identifier, as authorized by
17	Congress or pursuant to federal law for the U.S. armed forces.
18	(3) Any person violating sub. (2) with the intent to commit or aid or abet the
19	commission of a crime other than a crime under this section is guilty of a Class H
20	felony.
21	(END)