

2015 DRAFTING REQUEST

Bill

Received: 1/20/2015 Received By: phurley
Wanted: As time permits Same as LRB:
For: Roger Roth (608) 266-0718 By/Representing: Matt Henkel
May Contact: Drafter: phurley
Subject: Criminal Law - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Roth@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Impersonating military personnel or falsely claiming military service

Instructions:

Model on 946.70 penalty scheme; use benefit language from attached bill for now

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 2/5/2015	kfollett 2/4/2015	jmurphy 2/4/2015	_____	sbasford 2/4/2015		State S&L Crime
/1		kfollett 2/11/2015	jfrantze 2/11/2015	_____	sbasford 2/11/2015	mbarman 2/11/2015	State S&L Crime

FE Sent For:

At Intro.

<END>

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/P1	phurley 1/21/2015	kfollett 2/4/2015	jmurphy 2/4/2015		sbasford 2/4/2015		State S&L Crime

FE Sent For: *1/15/11* *1/15/11* *2/11* *2/11*

<END>

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/P1	phurley	1/p/sf 2/4	jm 2/4	sf			

FE Sent For:

<END>

Hurley, Peggy

From: Gallagher, Michael
Sent: Tuesday, January 20, 2015 4:09 PM
To: Hurley, Peggy
Subject: FW: Stolen Valor laws

Looks like your territory, and I would hate to intrude.

From: Henkel, Matt
Sent: Tuesday, January 20, 2015 4:07 PM
To: Gallagher, Michael
Subject: RE: Stolen Valor laws

Could we get something started to begin the conversation using South Carolina's law as a model?

http://www.scstatehouse.gov/sess120_2013-2014/bills/4259.htm

-Matt

From: Gallagher, Michael
Sent: Tuesday, January 20, 2015 4:03 PM
To: Henkel, Matt
Cc: Hurley, Peggy
Subject: FW: Stolen Valor laws

Matt: See Peggy Hurley's response below. Please let us know if you want to draft something.

Mike

Michael Gallagher
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Hurley, Peggy
Sent: Tuesday, January 20, 2015 3:59 PM
To: Gallagher, Michael; Hanaman, Cathlene
Cc: Wyatt, Zachary
Subject: RE: Stolen Valor laws

No, I don't think we have any penalties for that specific violation. The closest I can find is this:

946.70 Impersonating peace officers, fire fighters, or other emergency personnel.

From: Gallagher,

Sent: Tuesday, January 20, 2015 3:54 PM
To: Hurley, Peggy; Hanaman, Cathlene
Cc: Wyatt, Zachary
Subject: FW: Stolen Valor laws

Are you aware of any criminal penalties on the books for something like this?

Michael Gallagher
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Henkel, Matt
Sent: Tuesday, January 20, 2015 3:50 PM
To: Gallagher, Michael; Wyatt, Zachary
Subject: Stolen Valor laws

Mike or Zach, does Wisconsin have anything on the books as far as "Stolen Valor" laws go with people impersonating members of the military? We got a constituent contact that's worked with the FBI on these types of cases when it comes to financial fraud and wanted to look into it more.

-Matt

Matt Henkel
Office of Senator Roger Roth
Room 306 South, State Capitol
(608) 266-0718

South Carolina General Assembly
120th Session, 2013-2014

Download [This Bill](#) in Microsoft Word format

A175, R192, H4259

STATUS INFORMATION

General Bill

Sponsors: Reps. Goldfinch and Clemmons

Document Path: I:\council\bill\13338dg13.docx

Companion/Similar bill(s): 3150

Introduced in the House on May 30, 2013

Introduced in the Senate on January 21, 2014

Last Amended on April 3, 2014

Passed by the General Assembly on April 30, 2014

Governor's Action: May 16, 2014, Signed

Summary: Military Service Integrity and Preservation Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
5/30/2013	House	Introduced, read first time, placed on calendar without reference (House Journal-page 28)
6/5/2013	House	Debate adjourned until Thur., 6-613 (House Journal-page 115)
6/5/2013	House	Reconsidered (House Journal-page 131)
6/5/2013	House	Requests for debate-Rep(s). Cobb-Hunter, Howard, Neal, Sabb, Mitchell, Gilliard, Govan (House Journal-page 132)
6/6/2013	House	Requests for debate removed-Rep(s). Gilliard, Sabb (House Journal-page 23)
1/15/2014	House	Read second time (House Journal-page 55)
1/15/2014	House	Roll call Yeas-102 Nays-0 (House Journal-page 55)
1/16/2014	House	Read third time and sent to Senate (House Journal-page 249)
1/21/2014	Senate	Introduced and read first time (Senate Journal-page 14)
1/21/2014	Senate	Referred to Committee on Judiciary (Senate Journal-page 14)
1/31/2014	Senate	Referred to Subcommittee: Young (ch), Shealy, Kimpson
3/19/2014	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 16)
3/20/2014		Scrivener's error corrected
4/3/2014	Senate	Committee Amendment Adopted (Senate Journal-page 29)
4/16/2014	Senate	Read second time (Senate Journal-page 33)
4/16/2014	Senate	Roll call Ayes-39 Nays-0 (Senate Journal-page 33)
4/29/2014	Senate	Read third time and returned to House with amendments (Senate Journal-page 7)
4/30/2014	House	Concurred in Senate amendment and enrolled (House Journal-page 109)
4/30/2014	House	Roll call Yeas-99 Nays-0 (House Journal-page 109)

5/15/2014	Ratified R 192
5/16/2014	Signed By Governor
5/27/2014	Effective date 05/16/14
6/2/2014	Act No. 175

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

[5/30/2013](#)

[5/30/2013-A](#)

[3/19/2014](#)

[3/20/2014](#)

[4/3/2014](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A175, R192, H4259)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-17-760 SO AS TO ENACT THE "SOUTH CAROLINA MILITARY SERVICE INTEGRITY AND PRESERVATION ACT", TO PROVIDE THAT A PERSON WHO, WITH THE INTENT OF SECURING A TANGIBLE BENEFIT, KNOWINGLY AND FALSELY REPRESENTS HIMSELF TO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES OR TO HAVE BEEN AWARDED CERTAIN DECORATIONS, MEDALS, OR RIBBONS AUTHORIZED BY CONGRESS OR PURSUANT TO FEDERAL LAW FOR THE ARMED FORCES OF THE UNITED STATES, IS GUILTY OF A MISDEMEANOR.

Be it enacted by the General Assembly of the State of South Carolina:

South Carolina Military Service Integrity and Preservation Act

SECTION 1. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

"Section 16-17-760. (A) This act may be cited as the 'South Carolina Military Service Integrity and Preservation Act'.

(B) A person who, with the intent of securing a tangible benefit, knowingly and falsely represents himself through a written or oral communication, including a resume, to have:

(1) served in the Armed Forces of the United States, is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both; or

(2) been awarded a Congressional Medal of Honor, a Distinguished-Service Cross, a Navy Cross, an Air Force Cross, a Silver Star, a Purple Heart, a Combat Infantryman's Badge, a Combat Action Badge, a Combat Medical Badge, a Combat Action Ribbon, or a Combat Action Medal as authorized by Congress or pursuant to federal law for the Armed Forces of the United States, is guilty of a misdemeanor, and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

(C) For purposes of this section, 'tangible benefit' includes:

- (1) a benefit relating to military service provided by the federal government or a state or local government;
- (2) employment or personal advancement;
- (3) financial remuneration;
- (4) an effect on the outcome of a criminal or civil court proceeding; or
- (5) an effect on an election which is presumed if the representation is made by a candidate for public office."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2014.

Approved the 16th day of May, 2014.

This web page was last updated on July 24, 2014 at 3:13 PM



PSH:gf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2-4-15

Gen

1 AN ACT ...; relating to: falsely claiming military service or honors, and providing
2 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 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.

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

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.

X
X
move

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

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

1 **946.78** ^B **False statement regarding military service.** (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, or a Combat Action Medal as authorized ✓
16 by Congress or pursuant to federal law for the U.S. armed forces.

17 (3) Any person violating sub. (2) with the intent to commit or aid or abet the ✓
18 commission of a crime other than a crime under this section is guilty of a Class H ✓
19 felony.

20

(END)

Hurley, Peggy

From: Henkel, Matt
Sent: Thursday, February 05, 2015 9:41 AM
To: Hurley, Peggy
Subject: LRB-1350

Peggy, thank you for your work on LRB-1350 (Stolen Valor). I have one question and one suggested edit.

In the LRB analysis, line 2, could 'other benefit' be interpreted by someone as non-tangible or is that covered?

Second, could we add 946.78 (2) (c) to include a category for "Special Operations Identifiers" – this category would be distinguishing marks such as Army Special Forces, Army Rangers, Navy Seals, Air Force Para Rescue etc.

-Matt

Matt Henkel
Office of Senator Roger Roth
Room 306 South, State Capitol
(608) 266-0718



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1350/P1
PJH:kjf:jm

mr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2-12

Regen

1 AN ACT to create 946.78 of the statutes; relating to: falsely claiming military
2 service or honors, and providing a penalty.

tangible

Analysis by the Legislative Reference Bureau

Under this bill, any person who falsely, and with the intent to obtain a tangible financial or other 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.

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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, ^eor a Combat Action Medal as authorized
16 by Congress or pursuant to federal law for the U.S. armed forces.

17 (3) Any person violating sub. (2) with the intent to commit or aid or abet the
18 commission of a crime other than a crime under this section is guilty of a Class H
19 felony.

20 (END)

, or a Special Operations Identifier or
Special Qualification or Skill Identifier,

Barman, Mike

From: Henkel, Matt
Sent: Wednesday, February 11, 2015 1:59 PM
To: LRB.Legal
Subject: Draft Review: LRB -1350/1 Topic: Impersonating military personnel or falsely claiming military service

Please Jacket LRB -1350/1 for the SENATE.