

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-195—sHB 5298

Select Committee on Veterans' Affairs

Commerce Committee

Judiciary Committee

**AN ACT CONCERNING FUNDRAISING BY VETERANS'
ORGANIZATIONS**

SUMMARY: This act makes it a class C misdemeanor (see Table on Penalties) for any person, firm, or corporation claiming to be a representative of a veterans' charitable organization, with intent to defraud, to solicit contributions for the organization that benefit or profit any person, firm, or corporation other than the organization. The act defines a "veterans' charitable organization" as a person, firm, or corporation that is or claims to be established for a benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare, or advocacy purpose for or on behalf of veterans.

The act also requires the veterans' affairs commissioner to publish a list of qualified veterans' charitable organizations beginning on July 1, 2013. A listing is valid for three years. Under the act, a "qualified veterans' charitable organization" is one that has been a nonstock corporation for three or more years or a federal tax exempt organization for three or more consecutive years. As under existing law, a "veteran" means anyone honorably discharged or released under honorable conditions from active service in the U.S. Armed Forces.

EFFECTIVE DATE: Upon passage, except for the provision relating to soliciting charitable contributions for veterans' organizations, which is effective October 1, 2012.

QUALIFIED VETERANS' CHARITABLE ORGANIZATION LIST

The act allows qualified veterans' charitable organizations to apply and reapply to the commissioner for inclusion on the list by submitting on a form she prescribes information about their nonprofit activities and any other information she deems necessary to determine whether the organization is a qualified veterans' charitable organization. The commissioner must publish on the Department of Veterans' Affairs informational Internet website the list of qualified organizations, a link to each organization's Internet website, and qualifications for inclusion on the list along with the following disclaimer:

This list is prepared for the public solely for the purpose of information. The state of Connecticut provides no warranty about the content or accuracy of the content herein.

BACKGROUND

Related Laws

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Charitable Funds Act. The Solicitation of Charitable Funds Act prohibits charities from engaging in financial transactions that (1) are not related to accomplishing the organization's charitable purpose or (2) jeopardize or interfere with their ability to accomplish the purpose (CGS § 21a-190h). It also prohibits a charity from, among other things:

1. inappropriately spending donations,
2. misrepresenting its purpose or the solicitation's beneficiary, and
3. spending an unreasonable amount for solicitation or management (CGS § 21a-190h).

Anyone who knowingly commits a violation is subject to a fine of up to \$5,000, imprisonment for up to one year, or both. Also, the consumer protection commissioner may, among other things, revoke or suspend the registration of a charity that violates any of these provisions (CGS § 21a-190l).

Criminal Impersonation. A person is guilty of criminal impersonation when, among other things, he or she pretends to represent a person or organization and performs an act in such pretended capacity intending to obtain a benefit or to injure or defraud someone (CGS § 53a-130). Criminal impersonation is a class A misdemeanor (see Table on Penalties).

Larceny. Larceny is intentionally and wrongfully taking, obtaining, or withholding property from an owner in order to appropriate it to oneself, or another. The penalties for larceny range from a class C misdemeanor to a class B felony (see Table on Penalties), based primarily on the value of the property taken (CGS § 53a-118 *et seq.*).

OLR Tracking: VR:KM:PF:ro:eh