



House of Representatives

General Assembly

File No. 623

February Session, 2014

House Bill No. 5293

House of Representatives, April 17, 2014

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING STOLEN VALOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-378 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) Any person [, other than an officer or enlisted man or woman of
4 the armed forces, as defined in section 27-103, or any reserve
5 component thereof, or of the state, as defined in section 27-2, or a
6 member of a school or college military or naval organization,
7 organized, uniformed and drilling as such, or a resident of any
8 veterans' or soldiers' home, or a police officer,] who, with the intent to
9 fraudulently obtain money, property or other tangible benefit, at any
10 time, wears the uniform, or any part of the uniform, of any of [said] the
11 armed forces, reserve components or organizations listed below in this
12 subsection, within the state, shall be fined not less than five hundred
13 dollars or more than one thousand dollars or imprisoned not more
14 than six months, or both. [, provided nothing] The provisions of this
15 subsection shall not apply to (1) an officer or enlisted man or woman

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill limits the law that prohibits individuals from falsely representing that they were a recipient of a medal of honor or wearing a uniform without authorization to instances that result in fraudulent activity. This is not anticipated to result in a fiscal impact as there has been no fine revenue or convictions in the past five years.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5293****AN ACT CONCERNING STOLEN VALOR.****SUMMARY:**

This bill limits the crime of falsely (1) representing oneself as having a military medal or (2) wearing a military uniform, to a person who does so to fraudulently obtain money, property, or other tangible benefit. As under current law, the person must (1) falsely represent himself or herself, orally or in writing, as a recipient of any Congressional decoration or medal, armed forces service medal or badge, or the ribbon, button, rosette, or “colorable imitation” of any such decoration, medal, or badge or (2) wear, without authorization, the uniform of any (a) member of the armed forces or reserves, (b) military or naval school or college, (c) veterans’ or soldiers’ home, or (d) police department. The bill retains the current penalty of a fine between \$500 and \$1,000, up to six months imprisonment, or both.

By law, the unauthorized uniform provision does not apply to (1) an officer or enlisted person of the armed forces or any reserve component, (2) a member of a school or college military or naval organization, (3) veterans’ or soldiers’ home residents, or (4) police officers.

EFFECTIVE DATE: October 1, 2014

BACKGROUND***U.S. v. Alvarez***

In *U.S. v. Alvarez*, the U.S. Supreme Court ruled that the federal military medal misrepresentation statute was unconstitutional because it violated a person’s First Amendment right to free speech (132 S. Ct. 2537 (2012)). The plurality opinion stated there is no general First

Amendment exception for false statements, but acknowledged there are many laws punishing or criminalizing false statements that cause definite and identifiable harm (e.g., fraud).

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable Change of Reference

Yea 14 Nay 0 (03/11/2014)

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/02/2014)