

ASSEMBLY, No. 4104

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED JANUARY 15, 2015

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SYNOPSIS

New Jersey Stolen Valor Act; makes unauthorized use of military uniforms, medals or insignias, and certain false statements regarding receipt of military awards with intent to obtain benefit crimes of third degree.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/30/2015)

1 AN ACT concerning the unauthorized presentation of oneself as a
2 member of the military or a veteran and designated as the New
3 Jersey Stolen Valor Act, and amending N.J.S.38A:14-5.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. N.J.S.38A:14-5 is amended to read as follows:

9 38A:14-5. Any person who knowingly, with intent to
10 impersonate and with intent to deceive, misrepresents **[himself]**
11 oneself as a member or veteran of the United States Armed Forces
12 or organized militia by wearing the uniform or any medal or
13 insignia authorized for use by the members or veterans of the
14 United States Armed Forces or the organized militia, by Federal and
15 State laws and regulations, shall be guilty of a crime of the fourth
16 degree.

17 Any person who knowingly, with intent to impersonate and with
18 intent to deceive for the purpose of obtaining money, property, or
19 other tangible benefit, misrepresents oneself as a member or veteran
20 of the United States Armed Forces or organized militia by wearing
21 the uniform or any medal or insignia authorized for use by the
22 members or veterans of the United States Armed Forces or the
23 organized militia, by Federal and State laws and regulations, shall
24 be guilty of a crime of the third degree, subject to a minimum fine
25 of \$1,000.

26 Any person who knowingly, with intent to deceive for the
27 purpose of obtaining money, property, or other tangible benefit,
28 holds oneself out to be a recipient of any decoration or medal
29 created by Federal and State laws and regulations to honor the
30 members or veterans of the United States Armed Forces or the
31 organized militia shall be guilty of a crime of the third degree,
32 subject to a minimum fine of \$1,000.

33 Any monies collected pursuant to this section shall be forwarded
34 to the State Treasurer, and shall annually be appropriated to the
35 Military Dependents Scholarship Fund, as established pursuant to
36 P.L. , c. (C.) (pending before the Legislature as Assembly,
37 No.2849/Senate, No.1812 of 2014-2015), in the Higher Education
38 Student Assistance Authority. Until such time as the Military
39 Dependents Scholarship Fund is established, any monies collected
40 pursuant to this section shall be forwarded to the State Treasurer,
41 and deposited into the “NJ National Guard State Family Readiness
42 Council Fund,” as established, pursuant to section 1 of P.L.2011,
43 c.117 (C.54A:9-25.29).

44 (cf: P.L.2007, c.148, s.1)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill would make the knowing misrepresentation of oneself
7 as a veteran or member of the military for the purpose of obtaining
8 money, property or another benefit by wearing the uniform or any
9 medal or insignia authorized for use by the members or veterans of
10 the United Armed Forces or the organized militia a crime of the
11 third degree, with a mandatory minimum fine of \$1,000. At
12 present, State law makes it a crime of the fourth degree to
13 knowingly present oneself as a veteran or a member of the military
14 with the intent to deceive, but not necessarily for the purpose of
15 obtaining any kind of benefit, by wearing a military uniform or
16 medal or insignia.

17 Additionally, this bill would make false statements regarding
18 oneself as a recipient of any decoration or medal of the United
19 States Armed Forces or organized militia for the purpose of
20 obtaining money, property or another benefit a crime of the third
21 degree, with a mandatory minimum fine of \$1,000. State law does
22 not presently prohibit false statements of military or veteran status.

23 Federal law prohibits both the unauthorized wearing of a military
24 uniform or any distinctive part thereof and false statements as to
25 receipt of military decorations or medals for the purpose of
26 obtaining money, property, or some other tangible benefit.

27 Any fines collected under this bill would be dedicated to the
28 Military Dependents Scholarship Fund, which would be established
29 by Assembly, No.2489 and Senate, No.1812, currently pending
30 before the Legislature. The fund would provide college
31 scholarships to the spouses and children of those killed, missing in
32 action or disabled in Operation Noble Eagle, Operation Enduring
33 Freedom, Operation Iraqi Freedom, or Operation New Dawn. Until
34 such time as the Military Dependents Scholarship Fund is
35 established, any fines collected under this bill would be dedicated to
36 the "NJ National Guard State Family Readiness Council Fund," to
37 provide assistance to New Jersey National Guard members and their
38 families affected by extended deployment during Operation
39 Enduring Freedom and Operation Iraqi Freedom.

40 This bill, designated as the New Jersey Stolen Valor Act, is in
41 response to individuals attempting to obtain financial or other
42 benefits for themselves by falsely stating or otherwise representing
43 that they have certain military or veteran status. These false
44 representations demean those who have served in the military, and
45 the perpetrators that illegally wear military attire debase military
46 distinctions and awards.