

SENATE, No. 1871

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Senator Testa

SYNOPSIS

Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/16/2021)

1 AN ACT concerning certain crimes and amending N.J.S.38A:14-5.

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3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

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

7 38A:14-5. Any person who knowingly, with intent to
8 impersonate and with intent to deceive, misrepresents oneself as a
9 member or veteran of the United States Armed Forces or organized
10 militia by wearing the uniform or any medal or insignia authorized
11 for use by the members or veterans of the United States Armed
12 Forces or the organized militia, by Federal and State laws and
13 regulations, shall be guilty of a crime of the fourth degree.

14 Any person who knowingly, with intent to impersonate and with
15 intent to deceive for the purpose of obtaining money, property, or
16 other tangible benefit, misrepresents oneself as a member or veteran
17 of the United States Armed Forces or organized militia by wearing
18 the uniform or any medal or insignia authorized for use by the
19 members or veterans of the United States Armed Forces or the
20 organized militia, by Federal and State laws and regulations, shall
21 be guilty of a crime of the third degree, subject to a minimum fine
22 of \$1,000, if the actor obtains money, property or other tangible
23 benefit in an amount less than \$75,000; or a crime of the second
24 degree, if the actor obtains money, property or other tangible
25 benefit in the amount of \$75,000 or more.

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, if the actor obtains money,
33 property or other tangible benefit in the amount less than \$75,000;
34 or a crime of the second degree, if the actor obtains money,
35 property or other tangible benefit in the amount of \$75,000 or more.

36 Any monies collected pursuant to this section shall be forwarded
37 to the State Treasurer, and shall annually be appropriated to the
38 Military Dependents Scholarship Fund, as established pursuant to
39 P.L.2015, c.117 (C.18A:71B-98 et seq.), in the Higher Education
40 Student Assistance Authority. Until such time as the Military
41 Dependents Scholarship Fund is established, any monies collected
42 pursuant to this section shall be forwarded to the State Treasurer,
43 and deposited into the "NJ National Guard State Family Readiness
44 Council Fund," as established, pursuant to section 1 of P.L.2011,
45 c.117 (C.54A:9-25.29).

46 (cf: P.L.2015, c.118, 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 The bill would upgrade certain crimes of misrepresenting oneself
7 as a member or veteran of the United States Armed Forces or
8 organized militia.

9 Under N.J.S.38A:14-5, it is a crime of the third degree, subject to
10 a minimum fine of \$1,000, for any person to knowingly:

11 1) with intent to impersonate and to deceive for the purpose of
12 obtaining money, property, or other tangible benefit, misrepresent
13 oneself as a member or veteran of the United States Armed Forces
14 or organized militia by wearing the uniform or any medal or
15 insignia authorized for use by the members or veterans of the
16 United States Armed Forces or the organized militia, by Federal and
17 State laws and regulations (if the person impersonated and deceived
18 for another purpose other than to obtain money, property, or other
19 tangible benefit, then it is a crime of the fourth degree); or

20 2) with intent to deceive for the purpose of obtaining money,
21 property, or other tangible benefit, holds oneself out to be a
22 recipient of any decoration or medal created by Federal and State
23 laws and regulations to honor the members or veterans of the
24 United States Armed Forces or the organized militia.

25 This bill would upgrade these crimes to a second degree if the
26 actor obtains money, property or other tangible benefit in the
27 amount of \$75,000 or more. If the actor obtains money, property or
28 other tangible benefit less than \$75,000, then the crime would
29 remain as a crime of the third degree, subject to a minimum fine of
30 \$1,000.

31 A crime of the second degree is punishable by up to five-10
32 years imprisonment, up to a \$150,000 fine, or both. A crime of the
33 third degree is punishable by up to three-five years imprisonment,
34 up to a \$15,000 fine, or both.