

**Assembly Bill No. 2777**

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Passed the Assembly August 21, 2006

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*Chief Clerk of the Assembly*

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Passed the Senate August 16, 2006

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 1800, 1801, and 1820 of the Military and Veterans Code, relating to veterans.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2777, Huff. Military and veterans: veterans' organizations.

(1) Existing law prohibits the sale, representation, or manufacture of poppies, badges, or labels represented as being sponsored, endorsed, or offered by a veterans' organization, as defined, when the poppy, badge, or label is not sponsored, endorsed, or offered by a veterans' organization. Existing law also makes it unlawful for any person to represent, directly or indirectly, that an act of solicitation is sponsored, endorsed, or made by or at the request of a veterans' organization, when it is not sponsored, endorsed, or made by a veterans' organization. Any person who violates these prohibitions is guilty of a misdemeanor.

This bill would expand the definition of a veterans' organization, as provided, thereby imposing a state-mandated local program by expanding the definition of a previously existing crime.

(2) Existing law prohibits the willful wearing or use of a badge, lapel button, rosette, or other recognized insignia, as provided, of the American Legion, Disabled American Veterans, or Veterans of Foreign Wars, unless the person is entitled to wear or use the badge, lapel button, rosette, or other insignia under the rules and regulations and with the express permission of the American Legion, Disabled American Veterans, or Veterans of Foreign Wars. Violation of this prohibition is punishable as a misdemeanor, as described.

This bill would expand the list of veterans' organizations included in the prohibition, thereby imposing a state-mandated local program by expanding the scope of an existing crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1800 of the Military and Veterans Code is amended to read:

1800. As used in Section 1801:

(a) “Veterans’ organizations” means any duly congressionally recognized or chartered organization of honorably discharged members of the Armed Forces of the United States, or any of their auxiliaries, including, but not limited to, the Air Force Sergeants Association, American Ex-Prisoners of War, American Legion, American Veterans, Armed Forces Retirees Association of California, Association of the United States Army, Blinded Veterans Association, California Association of County Veterans Service Officers, California State Commanders Veterans Council, Disabled American Veterans, Fleet Reserve Association, Jewish War Veterans, Legion of Valor, Marine Corps League, Military Officers Association of America, Military Order of the Purple Heart, National Association for Uniformed Services, Paralyzed Veterans of America, Reserve Officers Association, Retired Enlisted Association, Veterans of Foreign Wars, Vietnam Veterans of America, or WAVES National.

(b) “Poppy” means any article fashioned of cloth, paper, or other material which represents or resembles the poppy or other flower.

(c) “Badge” means any badge, rosette, lapel button, or other insignia of any veterans’ organization or any imitation thereof.

(d) “Label” means any card, paper, sign, certificate, banner, or other material containing the name of or a similar name to that of any veterans’ organization.

SEC. 2. Section 1801 of the Military and Veterans Code is amended to read:

1801. It is unlawful for any person to do any of the following acts:

(a) To hawk, peddle, vend, offer to sell, give away, or offer to give away any poppy, badge, or label, which appears to be, or is represented directly or indirectly as being, sponsored, endorsed,

or offered by any veterans' organization, when such poppy, badge, or label is not so sponsored, endorsed, or offered by any veterans' organization.

(b) To represent in any way, directly or indirectly, that any poppy, badge, or label is sponsored, endorsed, or is being offered by a veterans' organization when it is in fact not so sponsored, endorsed, or offered by that veterans' organization.

(c) To represent in any way, directly or indirectly that any act of solicitation of the contribution of funds or property or for the purchase or sale of any merchandise or services is sponsored, endorsed, or made by or at the request of a veterans' organization when it is not in fact so sponsored, endorsed, or made by that veterans' organization.

(d) To manufacture, process, assemble or distribute, or offer for sale, any poppy, badge, or label which appears to be, or is represented directly or indirectly as being, sponsored, endorsed, or offered by any veterans' organization, when such poppy, badge, or label is not so sponsored, endorsed, or offered by any veterans' organization.

Any person, whether or not an honorably discharged member of the Armed Forces of the United States, and whether or not licensed to hawk, peddle, or vend goods, wares, or merchandise, who violates this section is guilty of a misdemeanor.

SEC. 3. Section 1820 of the Military and Veterans Code is amended to read:

1820. Any person who willfully wears or uses the badge, lapel button, rosette, or other recognized and estimable insignia of the veterans' organizations specified in subdivision (a) of Section 1800, unless he or she is entitled to wear or use it under the rules and regulations and with the express permission of the veterans' organizations specified in subdivision (a) of Section 1800, is guilty of a misdemeanor and is punishable for a first conviction by imprisonment for a term not to exceed 30 days in the county jail, or a fine not to exceed five hundred dollars (\$500), except that if the person has been previously convicted of a violation of this section, that conviction shall be specified in the accusation and if found to be true or admitted by the person, a second or succeeding violation of this section is punishable by imprisonment not to exceed six months in the county jail, or a

fine not to exceed one thousand dollars (\$1,000), or both fine and imprisonment.

Nothing in this section shall preclude prosecution for violation of any other law.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.





Approved \_\_\_\_\_, 2006

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*Governor*