

AMENDED IN SENATE AUGUST 16, 2010

AMENDED IN SENATE JULY 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1829**

---

---

**Introduced by Assembly Member Cook**

**(Coauthors: Assembly Members Adams, Anderson, Tom Berryhill, Block, Chesbro, DeVore, Emmerson, Fletcher, Gilmore, Jeffries, Lieu, Nestande, Niello, Portantino, Salas, Silva, Smyth, and Audra Strickland)**

(Coauthors: Senators Correa, Denham, and DeSaulnier)

February 11, 2010

---

---

An act to add Section 1821 to, and to repeal Section 648.1 of, the Military and Veterans Code, and to amend Sections 19.8 and 532b of the Penal Code, relating to military decorations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1829, as amended, Cook. Military decorations: fraud.

Existing law provides any person who, orally, in writing, or by wearing any military decoration, falsely represents himself or herself to have been awarded any military decoration, as specified, with the intent to defraud, is guilty of an infraction.

This bill would instead provide that the offense is a misdemeanor, or in the case where the person committing the offense is a veteran of the Armed Forces of the United States, an infraction or a misdemeanor, as specified, and would exempt face-to-face solicitations involving less than \$10.

*The bill would incorporate additional changes in Section 19.8 of the Penal Code proposed by AB 451 and AB 1675, to be operative only if*

*this bill and one or both of the other bills are chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.*

By increasing the penalty for an existing offense, this bill would impose a state-mandated local program.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 648.1 of the Military and Veterans Code  
2 is repealed.

3 SEC. 2. Section 1821 is added to the Military and Veterans  
4 Code, to read:

5 1821. A person who falsely represents himself or herself in a  
6 manner specified in Section 532b of the Penal Code shall be guilty  
7 of a misdemeanor or infraction, as prescribed by Section 532b of  
8 the Penal Code.

9 SEC. 3. Section 19.8 of the Penal Code is amended to read:

10 19.8. The following offenses are subject to subdivision (d) of  
11 Section 17: Sections 193.8, 330, 415, 485, 490.7, ~~subdivision (e)~~  
12 ~~of Section 532b, and Sections 555, 652, and 853.7 of this code;~~  
13 *subdivision (c) of Section 532b and* subdivision (n) of Section 602  
14 of this code; subdivision (b) of Section 25658 and Sections 21672,  
15 25658.5, 25661, and 25662 of the Business and Professions Code;  
16 Section 27204 of the Government Code; subdivision (c) of Section  
17 23109 and Sections 12500, 14601.1, 27150.1, 40508, and 42005  
18 of the Vehicle Code, and any other offense which the Legislature  
19 makes subject to subdivision (d) of Section 17. Except where a  
20 lesser maximum fine is expressly provided for a violation of any  
21 of those sections, any violation which is an infraction is punishable  
22 by a fine not exceeding two hundred fifty dollars (\$250).

23 Except for the violations enumerated in subdivision (d) of Section  
24 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle  
25 Code based upon failure to appear, a conviction for any offense  
26 made an infraction under subdivision (d) of Section 17 is not

1 grounds for the suspension, revocation, or denial of any license,  
2 or for the revocation of probation or parole of the person convicted.

3 *SEC. 3.3. Section 19.8 of the Penal Code is amended to read:*

4 19.8. The following offenses are subject to subdivision (d) of  
5 Section 17: Sections 193.8, 330, 415, 485, 490.7, 555, 652, and  
6 853.7 of this code; *subdivision (c) of Section 532b, and* subdivision  
7 (n) *and subparagraph (A) of paragraph (2) of subdivision (z)* of  
8 Section 602 of this code; subdivision (b) of Section 25658 and  
9 Sections 21672, 25658.5, 25661, and 25662 of the Business and  
10 Professions Code; Section 27204 of the Government Code;  
11 subdivision (c) of Section 23109 and Sections 12500, 14601.1,  
12 27150.1, 40508, and 42005 of the Vehicle Code, and any other  
13 offense which the Legislature makes subject to subdivision (d) of  
14 Section 17. Except where a lesser maximum fine is expressly  
15 provided for a violation of any of those sections, any violation  
16 which is an infraction is punishable by a fine not exceeding two  
17 hundred fifty dollars (\$250).

18 Except for the violations enumerated in subdivision (d) of Section  
19 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle  
20 Code based upon failure to appear, a conviction for any offense  
21 made an infraction under subdivision (d) of Section 17 is not  
22 grounds for the suspension, revocation, or denial of any license,  
23 or for the revocation of probation or parole of the person convicted.

24 *SEC. 3.5. Section 19.8 of the Penal Code is amended to read:*

25 19.8. The following offenses are subject to subdivision (d) of  
26 Section 17: Sections 193.8, 330, 415, 485, 490.7, 555, 602.13,  
27 652, and 853.7 of this code; *subdivision (c) of Section 532b, and*  
28 subdivision (n) of Section 602 of this code; subdivision (b) of  
29 Section 25658 and Sections 21672, 25658.5, 25661, and 25662 of  
30 the Business and Professions Code; Section 27204 of the  
31 Government Code; subdivision (c) of Section 23109 and Sections  
32 12500, 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code,  
33 and any other offense which the Legislature makes subject to  
34 subdivision (d) of Section 17. Except where a lesser maximum  
35 fine is expressly provided for a violation of any of those sections,  
36 any violation which is an infraction is punishable by a fine not  
37 exceeding two hundred fifty dollars (\$250).

38 Except for the violations enumerated in subdivision (d) of Section  
39 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle  
40 Code based upon failure to appear, a conviction for any offense

1 made an infraction under subdivision (d) of Section 17 is not  
2 grounds for the suspension, revocation, or denial of any license,  
3 or for the revocation of probation or parole of the person convicted.

4 *SEC. 3.7. Section 19.8 of the Penal Code is amended to read:*

5 19.8. The following offenses are subject to subdivision (d) of  
6 Section 17: Sections 193.8, 330, 415, 485, 490.7, 555, 602.13,  
7 652, and 853.7 of this code; *subdivision (c) of Section 532b, and*  
8 *subdivision (n) and subparagraph (A) of paragraph (2) of*  
9 *subdivision (z) of Section 602 of this code; subdivision (b) of*  
10 *Section 25658 and Sections 21672, 25658.5, 25661, and 25662 of*  
11 *the Business and Professions Code; Section 27204 of the*  
12 *Government Code; subdivision (c) of Section 23109 and Sections*  
13 *12500, 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code,*  
14 *and any other offense which the Legislature makes subject to*  
15 *subdivision (d) of Section 17. Except where a lesser maximum*  
16 *fine is expressly provided for a violation of any of those sections,*  
17 *any violation which is an infraction is punishable by a fine not*  
18 *exceeding two hundred fifty dollars (\$250).*

19 Except for the violations enumerated in subdivision (d) of Section  
20 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle  
21 Code based upon failure to appear, a conviction for any offense  
22 made an infraction under subdivision (d) of Section 17 is not  
23 grounds for the suspension, revocation, or denial of any license,  
24 or for the revocation of probation or parole of the person convicted.

25 *SEC. 4. Section 532b of the Penal Code is amended to read:*

26 532b. (a) Any person who falsely represents himself or herself  
27 as a veteran or ex-serviceman of any war in which the United  
28 States was engaged, in connection with the soliciting of aid or the  
29 sale or attempted sale of any property, is guilty of a misdemeanor.

30 (b) Any person who falsely claims, or presents himself or  
31 herself, to be a veteran or member of the Armed Forces of the  
32 United States, with the intent to defraud, is guilty of a  
33 misdemeanor.

34 (c) (1) Except as provided in paragraph (2), any person who,  
35 orally, in writing, or by wearing any military decoration, falsely  
36 represents himself or herself to have been awarded any military  
37 decoration, with the intent to defraud, is guilty of a misdemeanor.

38 (2) This offense is an infraction or a misdemeanor, subject to  
39 Sections 19.6, 19.7, and 19.8, if the person committing the offense  
40 is a veteran of the Armed Forces of the United States.

1 (3) For purposes of this subdivision, “military decoration” means  
2 any decoration or medal from the Armed Forces of the United  
3 States, the California National Guard, State Military Reserve, or  
4 Naval Militia, or any service medals or badges awarded to the  
5 members of those forces, or the ribbon, button, or rosette of that  
6 badge, decoration, or medal, or any colorable imitation of that  
7 item.

8 (d) This section does not apply to face-to-face solicitations  
9 involving less than ten dollars (\$10).

10 *SEC. 5. (a) Section 3.3 of this bill incorporates amendments*  
11 *to Section 19.8 of the Penal Code proposed by both this bill and*  
12 *AB 451. It shall only become operative if (1) both bills are enacted*  
13 *and become effective on or before January 1, 2011, (2) each bill*  
14 *amends Section 19.8 of the Penal Code, and (3) AB 1675 is not*  
15 *enacted or as enacted does not amend that section, and (4) this*  
16 *bill is enacted after AB 451, in which case Sections 3, 3.5, and 3.7*  
17 *of this bill shall not become operative.*

18 *(b) Section 3.5 of this bill incorporates amendments to Section*  
19 *19.8 of the Penal Code proposed by both this bill and AB 1675. It*  
20 *shall only become operative if (1) both bills are enacted and*  
21 *become effective on or before January 1, 2011, (2) each bill*  
22 *amends Section 19.8 of the Penal Code, (3) AB 451 is not enacted*  
23 *or as enacted does not amend that section, and (4) this bill is*  
24 *enacted after AB 1675, in which case Sections 3, 3.3, and 3.7 of*  
25 *this bill shall not become operative.*

26 *(c) Section 3.7 of this bill incorporates amendments to Section*  
27 *19.8 of the Penal Code proposed by this bill, AB 451, and AB 1675.*  
28 *It shall only become operative if (1) all three bills are enacted and*  
29 *become effective on or before January 1, 2011, (2) all three bills*  
30 *amend Section 19.8 of the Penal Code, and (3) this bill is enacted*  
31 *after AB 451 and AB 1675, in which case Sections 3, 3.3, and 3.5,*  
32 *of this bill shall not become operative.*

33 ~~SEC. 5.~~

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

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

O