

AMENDED IN ASSEMBLY MARCH 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 167

Introduced by Assembly Member Cook
(Coauthors: Assembly Members Jeffries and Silva)
(Coauthor: Senator Harman)

January 20, 2011

An act to amend Section 3003 of the Government Code, and to amend Section 532b of the Penal Code, relating to the California Stolen Valor Act.

LEGISLATIVE COUNSEL'S DIGEST

AB 167, as amended, Cook. California Stolen Valor Act.

Existing law *makes it a misdemeanor for a person to falsely represent himself or herself as a veteran, ex-serviceman, or member of the Armed Forces of the United States in connection with specified acts.* Existing law provides that any person who, orally, in writing, or by wearing any military decoration, falsely represents himself or herself to have been awarded any military decoration, with the intent to defraud, is guilty of 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.

Existing law requires certain elected officers to forfeit their office upon the conviction of a crime pursuant to the federal Stolen Valor Act of 2005, that involves a false claim of receipt of a military decoration or medal described in that act.

This bill would provide that the above provisions shall be known as the California Stolen Valor Act. The bill would require that the elected officers described above additionally forfeit their office upon conviction

of a crime pursuant to the California Stolen Valor Act, that involves a false claim that the person is a veteran or a member of the Armed Forces any of the crimes specified in the California Stolen Valor Act.

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

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

1 SECTION 1. Section 3003 of the Government Code is amended
2 to read:

3 3003. An elected officer of the state or a city, county, city and
4 county, or district in this state forfeits his or her office upon the
5 conviction of a crime pursuant to the federal Stolen Valor Act of
6 2005 (18 U.S.C. Sec. 704), that involves a false claim of receipt
7 of any military decoration or medal described in that act, or the
8 California Stolen Valor Act (as specified in Section 532b of the
9 Penal Code), that involves a false claim, made with the intent to
10 defraud, that the person is a veteran or a member of the Armed
11 Forces. As used in this section, "district" means any agency of the
12 state formed pursuant to general law or special act, for the local
13 performance of governmental or proprietary functions within
14 limited boundaries.

15 SEC. 2. Section 532b of the Penal Code is amended to read:

16 532b. (a) ~~This section, Section 3003 of the Government Code,~~
17 ~~Section 1821 of the Military and Veterans Code, and Section 19.8~~
18 ~~of the Penal Code shall be known and may be cited as the~~
19 ~~California Stolen Valor Act.~~

20 (b) ~~Any person who falsely represents himself or herself as a~~
21 ~~veteran or ex-serviceman of any war in which the United States~~
22 ~~was engaged, in connection with the soliciting of aid or the sale~~
23 ~~or attempted sale of any property, is guilty of a misdemeanor.~~

24 (e)

25 (b) Any person who falsely claims, or presents himself or
26 herself, to be a veteran or member of the Armed Forces of the
27 United States, with the intent to defraud, is guilty of a
28 misdemeanor.

29 (d)

30 (c) (1) Except as provided in paragraph (2), any person who,
31 orally, in writing, or by wearing any military decoration, falsely

1 represents himself or herself to have been awarded any military
2 decoration, with the intent to defraud, is guilty of a misdemeanor.

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

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

13 (e)

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

16 (e) *This section, Section 3003 of the Government Code, and*
17 *Section 1821 of the Military and Veterans Code shall be known*
18 *and may be cited as the California Stolen Valor Act.*

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