

Assembly Bill No. 167

Passed the Assembly June 23, 2011

Chief Clerk of the Assembly

Passed the Senate June 20, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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 any of the crimes specified in the California Stolen Valor Act.

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

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

3003. An elected officer of the state or a city, county, city and county, or district in this state forfeits his or her office upon the conviction of a crime pursuant to the federal Stolen Valor Act of 2005 (18 U.S.C. Sec. 704), that involves a false claim of receipt of any military decoration or medal described in that act, or the California Stolen Valor Act (as specified in Section 532b of the

Penal Code), that involves a false claim, made with the intent to defraud, that the person is a veteran or a member of the Armed Forces. As used in this section, “district” means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

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

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

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

(c) (1) Except as provided in paragraph (2), 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.

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

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

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

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

Approved _____, 2011

Governor