

SENATE BILL NO. 51

BY SENATOR KLEINPETER

1 AN ACT

2 To enact R.S. 14:67.30, relative to misappropriation without violence; to create the crime
3 of fraudulent representation of military service or awards; to provide for elements
4 of the crime; to provide for definitions and penalties; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:67.30 is hereby enacted to read as follows:

8 **§67.30. Fraudulent representation of military service or awards**

9 **A.(1) A person commits fraudulent representation of military service or**
10 **awards when he makes a false representation that he has received or otherwise**
11 **holds a military service record or award that was either revoked or not granted**
12 **to, achieved by, assigned to, or earned by the person with the intent to injure,**
13 **defraud, obtain economic gain, advantage, benefit, or secure any privilege for**
14 **himself or another.**

15 **(2) Whoever commits the crime of fraudulent representation of military**
16 **service or awards shall be fined not more than one thousand dollars, or**
17 **imprisoned for not more than six months, or both.**

18 **B. Whoever commits the crime of fraudulent representation of military**
19 **service or awards with regard to any of the following military awards or honors**
20 **shall be fined not more than five thousand dollars, imprisoned with or without**
21 **hard labor for not more than one year, or both:**

22 **(1) Congressional Medal of Honor as defined in 18 U.S.C. 704(c)(2).**

23 **(2) Distinguished-service cross awarded under 10 U.S.C. 7272.**

24 **(3) Navy cross awarded under 10 U.S.C. 8292.**

25 **(4) Air Force cross awarded under 10 U.S.C. 9272.**

26 **(5) Silver star awarded under 10 U.S.C. 7276, 8294, or 9276.**

27 **(6) Purple Heart awarded under 10 U.S.C. 1129.**

1 **(7) Combat Action Ribbon, Combat Action Badge, or Combat Action**
2 **Medal.**

3 **(8) A replacement of or duplicate of any of the awards listed in**
4 **Paragraphs (1) through (7) of this Subsection.**

5 **C. Whoever commits the crime of fraudulent representation of military**
6 **service or awards when the fraudulent representation results in the issuance of**
7 **a benefit reserved to active duty service members, veterans, or the family**
8 **members of active duty service members or veterans shall be fined not more**
9 **than ten thousand dollars, imprisoned with or without hard labor for not more**
10 **than five years, or both. In addition, the offender shall be required to pay full**
11 **restitution of the benefit received in violation of this Subsection.**

12 **D. As used in this Section:**

13 **(1) "Award" means any medal, service ribbon, ribbon device, badge,**
14 **rank insignia, or other honor awarded by the armed services or reserve forces**
15 **of the United States or the national guard of any state.**

16 **(2) "Service record" means the actual record compiled and maintained**
17 **by the armed services or reserve forces of the United States or the national**
18 **guard of any state that documents the service rank, deeds, achievements,**
19 **qualifications, or actions performed by a person during his time in service.**

20 **(3) "Veteran" means a person who has served in the armed services or**
21 **reserve forces of the United States or the national guard of any state.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____