

**FALSE IMPERSONATION AND
REPRESENTATION**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill amends the Utah Criminal Code relating to the false representation of a military award and the false wearing or use of a medal, name, title, insignia, ritual, or ceremony of a military related organization.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ consolidates code provisions relating to false representation of a military award and the false wearing or use of a medal, name, title, insignia, ritual, or ceremony of a military related organization;
- ▶ adds Utah National Guard medals and ribbons to the definition of "service medal";
- ▶ deletes the requirement that a military related organization must exist at least ten years in the state before criminal provisions apply relating to the false wearing or use of a military related organization's medal or the false use of a military related organization's name, titles, insignias, rituals, or ceremonies;
- ▶ provides that certain criminal provisions described in this bill are only violated if the person engages in the prohibited conduct with the intent to defraud or with the intent to make a false representation;
- ▶ makes the penalty for the criminal provisions described in this bill a class C misdemeanor; and
- ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **76-9-706**, as enacted by Laws of Utah 2007, Chapter 313

37 REPEALS:

38 **76-8-514**, as enacted by Laws of Utah 1973, Chapter 196



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **76-9-706** is amended to read:

42 **76-9-706. False representation of military award -- False wearing or use of medal,**
43 **name, title, insignia, ritual, or ceremony of a military related organization.**

44 (1) As used in this section[~~-, "service"~~]:

45 (a) "Military related organization" means a public or private society, order, or
46 organization that:

47 (i) only accepts as a member, a person, or the relative of a person, who is:

48 (A) a member of the military; or

49 (B) an honorably discharged member of the military; and

50 (ii) is organized for the purpose of:

51 (A) recognizing or honoring a person for military service;

52 (B) assisting a person described in Subsection (1)(a)(i) to lawfully associate with, or
53 provide service with, other people described in Subsection (1)(a)(i); or

54 (C) provide support for, or assistance to, a person described in Subsection (1)(a)(i).

55 (b) "Service medal" means:

56 [~~(a)~~] (i) a congressional medal of honor, as defined in 18 U.S.C. 704(c)(2);

57 [~~(b)~~] (ii) a distinguished service cross, as defined in 10 U.S.C 3742;

- 58 ~~(e)~~ (iii) a Navy cross, as defined in 10 U.S.C. 6242;
- 59 ~~(f)~~ (iv) an Air Force cross, as defined in 10 U.S.C. 8742;
- 60 ~~(e)~~ (v) a silver star, as defined in 10 U.S.C. 3746, 6244, or 8746;
- 61 ~~(f)~~ (vi) a bronze star, as defined in 10 U.S.C. 1133;
- 62 ~~(g)~~ (vii) a purple heart, as defined in 10 U.S.C. 1129;
- 63 ~~(h)~~ (viii) any decoration or medal authorized by the Congress of the United States for
- 64 the armed forces of the United States;
- 65 ~~(i)~~ (ix) any service medal or badge awarded to members of the armed forces of the
- 66 United States;
- 67 (x) any of the following Utah National Guard medals or ribbons:
- 68 (A) medal of valor;
- 69 (B) Utah cross;
- 70 (C) joint medal of merit;
- 71 (D) Utah medal of merit;
- 72 (E) joint commendation medal;
- 73 (F) commendation medal;
- 74 (G) achievement ribbon;
- 75 (H) joint staff service ribbon;
- 76 (I) state partnership service ribbon;
- 77 (J) service ribbon;
- 78 (K) military funeral honors service ribbon;
- 79 (L) emergency service ribbon; or
- 80 (M) recruiting ribbon;
- 81 ~~(j)~~ (xi) any ribbon, button, or rosette for a decoration, medal, or badge described in
- 82 Subsections (1)~~(a)~~(b)(i) through ~~(j)~~ (x); or
- 83 ~~(k)~~ (xii) an imitation of a decoration, medal, badge, ribbon, button, or rosette
- 84 described in Subsections (1)~~(a)~~(b)(i) through ~~(j)~~ (xi).
- 85 (2) Any person who intentionally makes a false representation, verbally or in writing,

86 that the person has been awarded a service medal is guilty of a class C misdemeanor.

87 (3) Any person who wears, purchases, attempts to purchase, solicits for purchase,
88 mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells,
89 attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value a service
90 medal, or any colorable imitation thereof, except when authorized by federal law, or under
91 regulations made pursuant to federal law, with the intent to defraud, or with the intent to falsely
92 represent that the person or another person has been awarded a service medal, is guilty of a
93 class C misdemeanor.

94 (4) A person is guilty of a class C misdemeanor if the person wears or uses a medal of a
95 military related organization:

96 (a) that the person is not entitled to wear or use; and

97 (b) with the intent to defraud or with the intent to falsely represent that the person or
98 another person has been awarded the medal.

99 (5) A person is guilty of a class C misdemeanor if the person uses the name, an officer
100 title, an insignia, a ritual, or a ceremony of a military related organization:

101 (a) that the person is not entitled to use; and

102 (b) with the intent to defraud, or with the intent to falsely represent that the person or
103 another person was or is a member, representative, or officer of the military related
104 organization.

105 Section 2. **Repealer.**

106 This bill repeals:

107 Section **76-8-514, False wearing or use of military or organization medal or**
108 **insignia.**