

**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 makes amendments to the offense of "false wearing or use of military or organization medal or insignia" and makes the offense consistent with similar criminal provisions.

Highlighted Provisions:

This bill:

- ▶ deletes the requirement that a society, order, or organization must exist for at least ten years in the state before criminal provisions apply relating to the false wearing or use of a military medal, or the false use of a society's, order's, or organization's, name, titles, insignias, rituals, or ceremonies;
- ▶ provides that the criminal provisions described in the preceding paragraph are only violated if the person engages in the prohibited conduct with the intent to defraud or make a false representation;
- ▶ reduces the penalty for the criminal provisions described in this bill from a class B misdemeanor to a class C misdemeanor;
- ▶ provides that the offense of "false representation of military award" supercedes the offense described in this bill; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **76-8-514**, as enacted by Laws of Utah 1973, Chapter 196



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

36 Section 1. Section **76-8-514** is amended to read:

37 **76-8-514. False wearing or use of medal, name, title, insignia, ritual, or ceremony.**

38 (1) It is an offense for any person to wear or use any military medal awarded by the
39 United States, ~~[or the]~~ this state ~~[of Utah]~~, or of any society, order, or organization ~~[of ten~~
40 ~~years' standing in this state, unless]~~, which the person not is entitled to wear or use ~~[it, and it is~~
41 ~~unlawful]~~, if the person wears or uses the military medal with the intent to defraud or to falsely
42 represent that the person or another person has been awarded a military medal.

43 (2) It is an offense for any person to use the name of ~~[the]~~ a society, order, or
44 organization, the titles of its officers, or its insignia, ritual, or ceremonies, ~~[unless]~~ which the
45 person is not authorized ~~[thereunto]~~ to use by the society, order, or organization ~~[or by the state~~
46 ~~of Utah or the United States]~~, if the person uses the name, title, insignia, ritual, or ceremony
47 with the intent to defraud or to falsely represent that the person or another person was or is a
48 member, representative, or officer of the society, order, or organization.

49 ~~[(2)]~~ (3) A violation of this section is a class ~~[B]~~ C misdemeanor.

50 (4) This section does not apply to a person who engages in conduct that constitutes an
51 offense under Section 76-9-706.

Legislative Review Note
as of 12-21-07 3:22 PM

Office of Legislative Research and General Counsel