

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 574

BY SENATORS WELD AND CLINE

[Introduced February 16, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-3-59, relating to creating the crime of misrepresentation of military honors
 3 to obtain money, property, or other benefit; and providing a criminal penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-59. Misrepresentation of military honors; intent to obtaining money, property or other benefit; penalties.

1 (a) (1) A person is guilty of a misdemeanor offense if, without authority the person displays
 2 the uniform, decoration, insignia, or other distinctive emblem of any branch of the armed forces
 3 of the United States or any of the several states, or of any association, for the purpose of obtaining
 4 aid, profit, or while soliciting contributions or subscriptions; or

5 (2) Wears an honorable discharge button issued or authorized by the United States.

6 (b) A person is guilty of a misdemeanor offense if, with intent to obtain money, property,
 7 or other benefit, the person fraudulently holds himself or herself out to be any of the following:

8 (1) A member or veteran of any branch of the armed forces of the United States or any of
 9 the several states; or

10 (2) The recipient of any decoration or medal authorized by the Congress of the United
 11 States or any decoration awarded to members of the armed forces of the United States or any of
 12 the several states.

13 (c) Upon conviction of either of the offenses contained in subsections (a) or (b) of this
 14 section, the person shall be fined not more than \$1,000 or confined in jail not more than one year,
 15 or both fined and confined.

16 (d) A person, who commits an offense contained in subsection (b) of this section, and the
 17 value of the money, property, or other benefit obtained is \$1,000 or more, is guilty of a felony and,
 18 upon conviction thereof, shall be imprisoned in a state correctional facility not less than one year
 19 nor more than ten years, or, in the discretion of the court, confined in jail not more than one year

20 and fined not more than \$2,500. If the value of the money, property, or other benefit obtained is
21 less than \$1,000, the person is guilty of a misdemeanor and, upon conviction thereof, shall be
22 confined in jail not more than one year or fined not more than \$2,500, or both fined and confined.

23 (e) Prosecution for an offense under this section does not bar or otherwise affect adversely
24 any right or liability to damages, forfeiture or other civil remedy arising from any or all elements of
25 the criminal offense.

NOTE: The purpose of this bill is to create the crime of misrepresentation of military honors to obtain money, property, or other benefits. It also provides a criminal penalty.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.