

1 HB2  
2 162216-1  
3 By Representative Clouse  
4 RFD: Military and Veterans Affairs  
5 First Read: 03-MAR-15  
6 PFD: 01/15/2015

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8 SYNOPSIS: This bill would prohibit a person from  
9 fraudulently holding himself or herself out to be a  
10 recipient of certain decorations or medals  
11 authorized by the U.S. Congress for the U.S. Armed  
12 Forces or awarded to members of the U.S. Armed  
13 Forces, with intent to defraud. A violation would  
14 be a Class A misdemeanor punishable as provided by  
15 law.

16 Amendment 621 of the Constitution of Alabama  
17 of 1901, now appearing as Section 111.05 of the  
18 Official Recompilation of the Constitution of  
19 Alabama of 1901, as amended, prohibits a general  
20 law whose purpose or effect would be to require a  
21 new or increased expenditure of local funds from  
22 becoming effective with regard to a local  
23 governmental entity without enactment by a 2/3 vote  
24 unless: it comes within one of a number of  
25 specified exceptions; it is approved by the  
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

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11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 Relating to crimes and offenses; to prohibit a  
16 person from fraudulently holding himself or herself out to be  
17 a recipient of certain decorations or medals authorized by the  
18 U.S. Congress for the U.S. Armed Forces or awarded to members  
19 of the U.S. Armed Forces, with intent to defraud; to provide  
20 penalties; and in connection therewith would have as its  
21 purpose or effect the requirement of a new or increased  
22 expenditure of local funds within the meaning of Amendment 621  
23 of the Constitution of Alabama of 1901, now appearing as  
24 Section 111.05 of the Official Recompilation of the  
25 Constitution of Alabama of 1901, as amended.  
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) For purposes of this section, the  
2 term "decoration or medal" means any of the following  
3 decorations or medals authorized by the U.S. Congress for the  
4 U.S. Armed Forces, or any of the following service medals or  
5 badges awarded to members of the U.S. Armed Forces described  
6 in any of the following sections of the U.S. Code or successor  
7 sections:

8           (1) A Congressional Medal of Honor awarded under  
9 Section 3741, 6241, or 8741, of Title 10, or Section 491 of  
10 Title 14.

11           (2) A Distinguished Service Cross awarded under  
12 Section 3742 of Title 10.

13           (3) A Navy Cross awarded under Section 6242 of Title  
14 10.

15           (4) An Air Force Cross awarded under Section 8742 of  
16 Title 10.

17           (5) A Silver Star awarded under Section 3746, 6244,  
18 or 8746 of Title 10.

19           (6) A Purple Heart awarded under Section 1129 of  
20 Title 10.

21           (7) A combat badge, which for the purposes of this  
22 section, means a Combat Infantryman's Badge, Combat Action  
23 Badge, Combat Medical Badge, Combat Action Ribbon, or Combat  
24 Action Medal.

25           (a) A person commits the offense of fraudulent  
26 representation about receipt of a military decoration or medal  
27 if the person, with intent to obtain money, property, or

1 tangible benefit, fraudulently holds himself or herself out to  
2 be the recipient of a military decoration or medal as defined  
3 in subsection (a).

4 (b) A violation of this section is a Class A  
5 misdemeanor.

6 Section 2. Although this bill would have as its  
7 purpose or effect the requirement of a new or increased  
8 expenditure of local funds, the bill is excluded from further  
9 requirements and application under Amendment 621, now  
10 appearing as Section 111.05 of the Official Recompilation of  
11 the Constitution of Alabama of 1901, as amended, because the  
12 bill defines a new crime or amends the definition of an  
13 existing crime.

14 Section 3. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.