

House Bill 12 (COMMITTEE SUBSTITUTE)

By: Representatives Rogers of the 10th, Yates of the 73rd, Meadows of the 5th, Holcomb of the 81st, Hitchens of the 161st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to fraud and related offenses, so as to create an offense involving the fraudulent
3 representation of military service or award received due to military service; to provide for
4 definitions; to provide for penalties; to provide for a short title; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Georgia Military Service Integrity and
9 Preservation Act."

10 **SECTION 2.**

11 Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud
12 and related offenses, is amended by adding a new Code section to read as follows:

13 "16-9-63.

14 (a) As used in this Code section, the term:

15 (1) 'Armed forces of the United States' means the army, navy, air force, marine corps,
16 or coast guard and the reserve components thereof and the uniformed components of the
17 Public Health Service or the National Oceanic and Atmospheric Administration.

18 (2) 'Military decoration' means:

19 (A) A medal, decoration, badge, or ribbon authorized by law, executive order, or
20 regulation to be awarded to a member of the armed forces of the United States by the
21 President of the United States, Congress, the United States Department of Defense, or
22 the United States Department of Homeland Security;

23 (B) A medal, decoration, badge, or ribbon authorized by law, executive order, or
24 regulation to be awarded to members of the organized militia; or

25 (C) A rosette or metal lapel button depicting a medal, decoration, badge, or ribbon
 26 described in subparagraph (A) or (B) of this paragraph which is authorized by law,
 27 executive order, or regulation to be worn on civilian clothing.

28 (3) 'Military medal award' shall have the same meaning as provided for under Code
 29 Section 40-2-85.1.

30 (4) 'Military veteran' means a current, former, or retired member of the armed forces of
 31 the United States, the organized militia, or a state military force of another state.

32 (5) 'Organized militia' means the Army National Guard, the Air National Guard, the
 33 Georgia Naval Militia, and the State Defense Force.

34 (6) 'Tangible benefit' means:

35 (A) A benefit, preference, service, or other thing of value offered to a military veteran
 36 which is enhanced or offered at a reduced rate or free of charge by an agency of this
 37 state, or any political subdivision or authority thereof, based on such military veteran's
 38 service or the award of a military decoration;

39 (B) Employment or promotion in an individual's employment; or

40 (C) Election to public office.

41 (b) It shall be unlawful for any individual, with the intent to secure a tangible benefit for
 42 himself or herself, to make a false, fictitious, or fraudulent statement or representation that
 43 such individual is a military veteran or recipient of a military decoration.

44 (c) It shall be unlawful for any individual, with the intent to deceive, to appear in a court
 45 of this state while wearing:

46 (1) The uniform of the armed forces of the United States or of the organized militia of
 47 this state if such individual is not authorized to wear such uniform; or

48 (2) Any military decoration which such individual has not, in fact, been awarded.

49 (d) Any person who violates this Code section shall be guilty of a misdemeanor; provided,
 50 however, that if such violation involves a military medal award, such person shall be guilty
 51 of a misdemeanor of a high and aggravated nature.

52 (e) Any violation of this Code section shall be considered a separate offense and shall not
 53 merge with any other offense. If an individual is convicted of a violation of Code Section
 54 16-10-20 and this Code section arising out of the same incident, any penalty imposed for
 55 a violation of this Code section shall be served consecutively to any sentence that may be
 56 imposed for a violation of Code Section 16-10-20."

57 **SECTION 3.**

58 All laws and parts of laws in conflict with this Act are repealed.