

1 SB264
2 165662-1
3 By Senators Holtzclaw, Dial, and Williams
4 RFD: Veterans and Military Affairs
5 First Read: 18-MAR-15

2
3
4
5
6
7
8 SYNOPSIS: This bill would create the crime of theft of
9 valor if a person knowingly wears, purchases,
10 attempts to purchase, solicits for purchase, mails,
11 ships, imports, exports, produces blank
12 certificates of receipt for, manufactures, sells,
13 attempts to sell, advertises for sale, trades,
14 barters, or exchanges for anything of value for
15 certain military decorations and medals in order to
16 receive a material gain.

17 This bill would also provide that a person
18 commits the crime of theft of valor if he or she
19 falsely represents himself or herself, verbally or
20 in writing, to have been awarded certain medals or
21 decorations, in order to receive, or attempt to
22 receive, a material gain.

23 This bill would also specify that the
24 limitation period for any prosecution under for
25 theft of valor does not commence or begin to accrue
26 until the discovery of the facts constituting the
27 offense.

1 This bill would provide misdemeanor and
2 felony penalties for violations.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To add a new Section 13A-8-10.5 to the Code of
2 Alabama 1975; to create the crime of theft of valor; to
3 provide criminal penalties; to specify that the limitation
4 period for any prosecution for theft of valor does not
5 commence or begin to accrue until the discovery of the facts
6 constituting the offense; and in connection therewith would
7 have as its purpose or effect the requirement of a new or
8 increased expenditure of local funds within the meaning of
9 Amendment 621 of the Constitution of Alabama of 1901, now
10 appearing as Section 111.05 of the Official Recompilation of
11 the Constitution of Alabama of 1901, as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. This act shall be known and may be cited
14 as the Alabama Stolen Valor Act of 2015.

15 Section 2. Section 13A-8-10.5, is added to the Code
16 of Alabama 1975 to read as follows:

17 §13A-8-10.5.

18 (a) For the purposes of this section, the following
19 terms shall have the following meanings:

20 (1) CONGRESSIONAL MEDAL OF HONOR. Includes any of
21 the following:

22 a. A Medal of Honor awarded under Section 3741,
23 6241, or 8741 of Title 10 or Section 491 of Title 14 of the
24 United States Code.

25 b. A duplicate Medal of Honor issued under Section
26 3754, 6256, or 8754 of Title 10 or Section 504 of Title 14 of
27 the United States Code.

1 c. A replacement of a Medal of Honor provided under
2 Section 3747, 6253, or 8747 of Title 10 or Section 501 of
3 Title 14 of the United States Code.

4 (2) MATERIAL GAIN. Something of value received,
5 bestowed, conferred, presented, granted, contributed, funded,
6 gifted, donated, bequeathed, decided, or approved, regardless
7 of the monetary, remunerative, or tangible value. This
8 includes, but is not limited to, food, lodging, compensation,
9 travel expenses, placards, public benefits, public relief,
10 financial relief, or anything in which or for which a tangible
11 benefit was gained, even if the value of such is de minimis.

12 (b) A person commits the crime of theft of valor if
13 he or she does any of the following:

14 (1) Knowingly wears, purchases, attempts to
15 purchase, solicits for purchase, mails, ships, imports,
16 exports, produces blank certificates of receipt for,
17 manufactures, sells, attempts to sell, advertises for sale,
18 trades, barter, or exchanges anything of value for any of the
19 following and receives a material gain, unless the person is
20 authorized under applicable state or federal regulations or
21 law:

22 a. Any decoration or medal authorized by Congress
23 for the Armed Forces of the United States.

24 b. A service medal or badge awarded to a member of
25 the Armed Forces of the United States.

26 c. A ribbon, button, or rosette of any badge,
27 decoration or medal, or any colorable imitation thereof.

1 (2) Falsely represents himself or herself, verbally
2 or in writing, to have been awarded any of the following in
3 order to receive, or attempt to receive, a material gain:

4 a. Any decoration or medal authorized by Congress
5 for the Armed Forces of the United States.

6 b. A service medal or badge awarded to a member of
7 the Armed Forces of the United States.

8 c. A ribbon, button, or rosette of any badge,
9 decoration or medal, or any colorable imitation thereof.

10 (c) (1) Except as provided in subdivisions (2) and
11 (3), theft of valor is a Class B misdemeanor.

12 (2) If any of the following decorations or medals,
13 including a duplicate or replacement thereof, are the subject
14 of an offense under subsection (b), the offense is a Class A
15 misdemeanor and a minimum fine of five thousand dollars
16 (\$5,000) shall be imposed:

17 a. A Distinguished-Service Cross awarded under
18 Section 3742 of Title 10 of the United States Code.

19 b. A Navy Cross awarded under Section 6242 of Title
20 10 of the United States Code.

21 c. An Air Force Cross awarded under Section 8742 of
22 Section 10 of the United States Code.

23 d. A Silver Star awarded under Section 3746, 6244,
24 or 8746 of Title 10 of the United States Code.

25 e. A Purple Heart awarded under Section 1129 of
26 Title 10 of the United States Code.

1 (3) If a Congressional Medal of Honor is the subject
2 of an offense under subsection (b), the offense is a Class C
3 felony.

4 (d) Notwithstanding any other law, the limitation
5 period for any prosecution under this section does not
6 commence or begin to accrue until the discovery of the facts
7 constituting the offense.

8 Section 3. Although this bill would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds, the bill is excluded from further
11 requirements and application under Amendment 621, now
12 appearing as Section 111.05 of the Official Recompilation of
13 the Constitution of Alabama of 1901, as amended, because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

16 Section 4. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.