

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 461

H.P. 354

House of Representatives, February 10, 2011

An Act To Impose a Penalty for Making False Claims Regarding Military Service

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Clerk

Presented by Representative JOHNSON of Eddington.
Cosponsored by Representatives: BEAULIEU of Auburn, DAMON of Bangor, DUNPHY of Embden, ESPLING of New Gloucester, HARVELL of Farmington, KESCHL of Belgrade, KNAPP of Gorham, WOOD of Sabattus.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §909** is enacted to read:

3 **§909. Fraudulent claim of military service**

4 **1. A person is guilty of fraudulent claim of military service if the person:**

5 **A. Knowingly claims falsely to have been awarded a military decoration, medal or**
6 **award authorized by the United States Congress for the Armed Forces of the United**
7 **States, including a service medal or badge or the ribbon, button or rosette of a badge,**
8 **decoration or medal;**

9 **B. Has the intent to obtain by making the claim in paragraph A something of value to**
10 **which the person is not entitled; and**

11 **C. Obtains by making the claim in paragraph A something of value to which the**
12 **person is not entitled.**

13 **2. Except as provided in subsection 3, fraudulent claim of military service is a Class**
14 **E crime. Notwithstanding section 1301, subsection 1-A, paragraph E, a fine of up to**
15 **\$5,000 may be imposed.**

16 **3. If the falsely claimed military decoration, medal or award in subsection 1,**
17 **paragraph A is a Medal of Honor, Distinguished Service Cross, Navy Cross, Air Force**
18 **Cross, Silver Star or Purple Heart, fraudulent claim of military service is a Class D crime**
19 **for which a term of imprisonment of not less than 9 months must be imposed.**
20 **Notwithstanding section 1301, subsection 1-A, paragraph D, a fine of up to \$10,000 may**
21 **be imposed.**

22 **SUMMARY**

23 The bill creates the crime of fraudulent claim of military service for when a person
24 knowingly claims falsely to have been awarded a military decoration from the United
25 States Congress with the intent to obtain, and does obtain, something of value to which
26 the person is not entitled. The penalty is heightened if the decoration is a Medal of
27 Honor, Distinguished Service Cross, Navy Cross, Air Force Cross, Silver Star or Purple
28 Heart.