

CHAPTER 115**(HB 177)**

AN ACT relating to misrepresenting military status.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 434.444 is amended to read as follows:

- (1) A person is guilty of misrepresenting current or former military status when he or she, ***for the purpose of direct or indirect monetary gain, and*** with intent to defraud, obtain employment, or be elected or appointed to public office, intentionally makes:
 - (a) A claim, orally, in writing, or by any fraudulent display, that he or she is entitled to wear military awards, military decorations, or military rank;
 - (b) A claim that he or she served in the United States Armed Forces, a Reserve Component thereof, or the National Guard; or
 - (c) A claim that he or she served in the military during a wartime era, whether or not there was a declared war, or served in a combat zone, or makes any misrepresentation of actual military service.
- (2) This section shall not apply to a person who or an organization which:
 - (a) Is reenacting military history or a military event;
 - (b) Is playing the part of a member of the Armed Forces of the United States, a Reserve Component thereof, or the National Guard in a play, motion picture television production, or other dramatic production, or at a patriotic or civic event;
 - (c) Is a member of the Armed Forces of the United States, a Reserve Component thereof, or the National Guard and, as part of a military assignment, is representing a member of the Armed Forces in a previous war or time period for ceremonial, recruiting, or training purposes;
 - (d) Is an employee of or volunteer for a museum and, as a part of their duties, is representing a member of the Armed Forces of the United States, a Reserve Component thereof, or the National Guard for ceremonial, historical, or training purposes;
 - (e) Owns, displays, purchases, sells, or trades militaria, including but not limited to medals, ribbons, and rank insignia, and does not claim to have personally earned them unless he or she is legally entitled to do so;
 - (f) Is a natural person using his or her given name that includes a military rank, so long as he or she does not use the name to defraud another in a manner prohibited by this section;
 - (g) Uses a name or honorary military or military-like rank which has been bestowed upon him or her by a public officer, public employee, or public agency, in the name of a public officer or public agency;
 - (h) Uses a corporate, partnership, sole proprietorship, or other name for a business or product which includes a military rank, so long as the name is not used to defraud another in a manner prohibited by this section; or
 - (i) Holds a registered trademark which includes a military rank or honorary rank, so long as the trademark is not used to defraud another in a manner prohibited by this section.
- (3) Misrepresenting current or former military status is:
 - (a) A violation of KRS 514.040 if the defendant, by the misrepresentation, obtains money or property; and
 - (b) If the defendant, by the misrepresentation, obtains a public benefit, a violation of the applicable statute that prohibits obtaining that public benefit and provides a specific penalty.
- (4) If a violation of subsection (3) of this section is not involved, the defendant shall be fined an amount not to exceed five thousand dollars (\$5,000) or be imprisoned in the county jail for not more than twelve (12) months, or both.

- (5) KRS 431.100 to the contrary notwithstanding, any fine assessed as a penalty for conviction under this section shall be transferred by the circuit clerk and deposited with the veterans program trust fund established by KRS 40.460(2)(b).
- (6) This section shall be cited as the Kentucky Stolen Valor Act.

Signed by Governor April 4, 2013.