

1 HB2
2 167358-2
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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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

§13A-8-10.5.

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

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

1 a. A Medal of Honor awarded under Section 3741,
2 6241, or 8741 of Title 10 or Section 491 of Title 14 of the
3 United States Code.

4 b. A duplicate Medal of Honor issued under Section
5 3754, 6256, or 8754 of Title 10 or Section 504 of Title 14 of
6 the United States Code.

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

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

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

20 (1) Knowingly wears, purchases, attempts to
21 purchase, solicits for purchase, mails, ships, imports,
22 exports, produces blank certificates of receipt for,
23 manufactures, sells, attempts to sell, advertises for sale,
24 trades, barter, or exchanges anything of value for any of the
25 following and receives a material gain, unless the person is

1 authorized under applicable state or federal regulations or
2 law:

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

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

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

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

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

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

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

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

20 (2) If any of the following decorations or medals,
21 including a duplicate or replacement thereof, are the subject
22 of an offense under subsection (b), the offense is a Class A
23 misdemeanor and a minimum fine of five thousand dollars
24 (\$5,000) shall be imposed:

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

3 b. A Navy Cross awarded under Section 6242 of Title
4 10 of the United States Code.

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

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

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

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

14 (d) Notwithstanding any other law, the limitation
15 period for any prosecution under this section does not
16 commence or begin to accrue until the discovery of the facts
17 constituting the offense.

18 Section 3. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 17-MAR-15.

Jeff Woodard
Clerk

Senate	14-APR-15	Amended and Passed
House	16-APR-15	Concurred in Senate Amendment