

An Act

To punish false and fraudulent claims to having received military decorations, medals and other awards authorized by the Congress and Armed Forces of the United States.

Be it enacted by the Legislature of the State of Maine,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fake Warrior Act of 2011."

SECTION 2. FINDINGS.

The Legislature of the State of Maine makes the following findings:

- (1) Citizens and residents of this State are rightly grateful to members who currently serve, and have served, in the Armed Forces of the United States, and hold them in high esteem.
- (2) Members of the Armed Forces of the United States who have been recipients of military decorations, medals and other awards are held in even higher esteem by citizens and residents of this State.
- (3) Gratitude to members of the Armed Forces of the United States generally, and to those who have received military decorations, medals and other awards in particular, makes citizens and residents of this [State or Commonwealth] susceptible to fraudulent claims by persons falsely purporting to have received such decorations, medals and awards.
- (4) That susceptibility can and does result in citizens and residents of this State being fraudulently induced by persons who falsify their receipt of military decorations, medals and other awards to part with something of tangible or other actual value to which the fraudsters are not entitled and with which the victims would not otherwise have parted.
- (5) Fraudulent claims of the receipt of military decorations, medals and awards results in serious harm to the citizens and residents of this State, including but not limited to excusing abuse of victims attributed to alleged service-caused trauma, accessing classified and other sensitive material and installations, receiving veterans' and related benefits, obtaining leniency for breaking the law, and jeopardizing criminal prosecutions because of witness perjury.
- (6) Legislative action by this State is necessary to punish the fraudulent claims by persons falsely purporting to have received military decorations, medals and awards.

SECTION 3. ESTABLISHMENT OF CRIMINAL OFFENSE RELATING TO FALSE AND FRAUDULENT CLAIMS ABOUT RECEIPT OF MILITARY MEDALS AND AWARDS.

- (1) FALSE AND FRAUDULENT CLAIMS ABOUT RECEIPT OF MILITARY DECORATIONS, MEDALS AND AWARDS. Whoever knowingly and falsely, with the intent to obtain something of tangible or other actual value to which he or she is not entitled, represents himself or herself, verbally or in writing, under circumstances where such representation may reasonably be believed, to have been awarded any military decoration, medal or award authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the member of such forces, the ribbon, button, or rosette of any such badge, decoration, medal, award, or any colorable imitation of such item, and who as a result of such representation obtains something of tangible value to which he or she is not entitled, shall be fined \$5,000, imprisoned not more than six months, or both.
- (2) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS. If a military decoration, medal or award involved in an offense described in Section 3 (1) is a Medal of Honor, Distinguished Service Cross, Navy Cross, an Air Force Cross, Silver Star or Purple Heart, in lieu of the punishment provided in such section the offender shall be fined \$10,000, imprisoned not less than nine months nor more than twelve months, or both.