

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 883

Printer's No.: 980

Sponsor: Senator Dinniman

Prepared by: Gregg Warner

Synopsis: This bill amends the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, to add a section making it a crime to falsely impersonate a recipient of the Congressional Medal of Honor.

Summary: Under new section 4115.1 a person commits a summary offense if the person falsely represents himself verbally or in writing to have been awarded the Congressional Medal of Honor, and the person receives a financial benefit as a result of the false representation or another person reasonably relies on the false representation to the other person's financial detriment.

This section does not apply to a representation made by a candidate for a public office during a political campaign for the public office.

Effective date

This act takes effect in 60 days.

Background: According to the sponsor "The U.S. Congress sought to address this problem through passage of Congress' Stolen Valor Act of 2006. The Stolen Valor Act made it a federal crime to knowingly issue false claims about one's receipt of military awards and decorations for heroism, including and particularly the Medal of Honor. Unfortunately, the U.S. Supreme Court in 2012 struck down the law on free speech grounds.

In so doing, the Justices recommended how such legislation might be fashioned without violating the First Amendment. In addition to recommending the creation of an official government database, they also recommended that any false claim about receiving the Medal of Honor only be punishable if the misstatement benefits the impersonator or hurts the victim of the falsehood.

In response, my bill only makes illegal one's falsely claiming to be a Medal of Honor recipient if the person making the claim receives a financial benefit or if the person relying on its accuracy suffers a financial detriment."

Companion legislation

Senate Bill 883 is the companion bill to Senate Bill 886 which was reported from the Senate Veterans Affairs and Emergency Preparedness Committee on May 14, 2013. Senate Bill 886 directs the Department of Military and Veterans Affairs to create, administer and maintain a searchable database of individuals who have been awarded the Medal of Honor as well as any other award or decoration that is granted for heroic service in the armed forces of the United States. The department shall create this database in consultation and cooperation with the United States Department of Defense.