COMMITTEE REPORT

March 19, 2014

**H. 4259**

Introduced by Reps. Goldfinch and Clemmons

S. Printed 3/19/14--S.

Read the first time January 21, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4259) to amend the Code of Laws of South Carolina, 1976, by adding Section 16‑17‑760 so as to enact the “South Carolina Military Service Integrity and Preservation Act", etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 32-40 and inserting:

/ (B) A person who, with the intent of securing a tangible benefit, knowingly and falsely represents himself through a written or oral communication, including a resume, to have:

(1) served in the Armed Forces of the United States, is guilty of a misdemeanor, and upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both; or

(2) been awarded a Congressional Medal of Honor, a Distinguished-Service Cross, a Navy Cross, an Air Force Cross, a Silver Star, a Purple Heart, a Combat Infantryman’s Badge, a Combat Action Badge, a Combat Medical Badge, a Combat Action Ribbon, or a Combat Action Medal as authorized by Congress or pursuant to federal law for the Armed Forces of the United States, is guilty of a misdemeanor, and upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both. /

Amend the bill further, as and if amended, page 2 by striking line 6 and inserting:

/ proceeding.

(5) an effect on an election which is presumed if the representation is made by a candidate for public office.” /

Renumber sections to conform.

Amend title to conform.

TOM YOUNG, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Office of the Adjutant General

The office reports enactment of this bill would have no impact on the General Fund of the State or federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑760 SO AS TO ENACT THE “SOUTH CAROLINA MILITARY SERVICE INTEGRITY AND PRESERVATION ACT”, TO PROVIDE THAT A PERSON WHO, WITH THE INTENT OF SECURING A TANGIBLE BENEFIT, KNOWINGLY AND FALSELY REPRESENTS HIMSELF TO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES OR TO HAVE BEEN AWARDED A DECORATION, MEDAL, RIBBON, OR OTHER DEVICE AUTHORIZED BY CONGRESS OR PURSUANT TO FEDERAL LAW FOR THE ARMED FORCES OF THE UNITED STATES, IS GUILTY OF A MISDEMEANOR.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16‑17‑760. (A) This section may be cited as the ‘South Carolina Military Service Integrity and Preservation Act’.

(B) A person who, with the intent of securing a tangible benefit, knowingly and falsely represents himself through a written or oral communication, including a resume, to have served in the Armed Forces of the United States or to have been awarded a decoration, medal, ribbon, or other device authorized by Congress or pursuant to federal law for the Armed Forces of the United States is guilty of a misdemeanor, and upon conviction, may be fined up to five hundred dollars or imprisoned for up to thirty days, or both.

(C) For purposes of this section, ‘tangible benefit’ includes:

(1) a benefit relating to military service provided by the federal government or a state or local government;

(2) employment or personal advancement;

(3) financial remuneration; or

(4) an effect on the outcome of a criminal or civil court proceeding.”

SECTION 2. This act takes effect upon approval by the Governor.

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