

**LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE**

LOCAL LAW INTRO. – NO. 19-1 - 2017

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A Local Law imposing misdemeanor criminal sanctions upon finding of fraudulent representation of military status to receive a monetary or other tangible benefit, otherwise known as the Theft of Valor law.

SECTION 1. Legislative intent

Veterans of the United States Armed Forces placed their lives on the line to protect the freedoms we enjoy as United States citizens. Some veterans went beyond the call of duty during their service, risking their personal safety taking action worthy of honor. For these heroic actions many soldiers receive decorations or medals, which provide lasting and public recognition.

This Legislature finds that some individuals falsely claim to have received such decorations to obtain tangible benefits, money or other valuable items. Such actions are disgraceful and tarnish the accomplishments of those men and women who truly earned their military decorations. Further, an individual who fraudulently represents him or herself as a decorated veteran in order to obtain money, property or other tangible benefits should be subject to penalty.

The purpose of this article is to prohibit persons from deceitfully presenting themselves as a decorated veteran in Erie County for personal gain.

SECTION 2. Definitions

As used in this article, the following terms shall have the meanings indicated:

- 1) "Combat Badge" - A Combat Infantryman's Badge, Combat Action Badge, Combat Medical Badge, Combat Action Ribbon or Combat Action Medal.
- 2) "Person" - Any natural individual.

SECTION 3. Prohibited conduct

No person shall, with the intent of obtaining money, property, or other tangible benefit, fraudulently hold himself or herself out to be the recipient of a military decoration or any of the following medals:

- A. The Congressional Medal of Honor;
- B. A Distinguished Service Cross;
- C. A Navy Cross;
- D. An Air Force Cross;
- E. A Silver Star;
- F. A Purple Heart; or
- G. A Combat Badge.

SECTION 4. Penalties for offenses

Violation of any portion of this article shall be punishable by a fine of up to \$250 for the first offense, \$500 for a second offense within one year, and \$1,000 and/or up to one year's imprisonment for a third offense within the same year.

SECTION 5. Applicability and Enforcement

This article shall apply to all actions occurring on or after the effective date of this article pursuant to Section 6.

Enforcement of this law shall be the responsibility of the Erie County Veteran's Service Department. The Veteran's Service Department shall be required to work with the Erie County Clerk's Office to locate a discharge from active duty form, or DD 214, on file prior to filing any charges against an accused.

A valid DD 214 form shall be an affirmative defense under this law.

SECTION 6. Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or

circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 7. Due Process

Nothing in this law is intended to infringe on any individuals rights to due process.

SECTION 8. Effective Date

This local law shall take effect 60 days after filing with the Secretary of State.

Sponsor: Legislator Rath

Co-Sponsor: Chairman Mills, Legislator Morton and Legislator Dixon