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FISCAL IMPACT REPORT

SPONSOR Wooley/Rodella/
Adkins/Crowder/
R. Martinez ORIGINAL DATE 1/30/2018
 LAST UPDATED 2/12/2018 HB 67
 SHORT TITLE Misrepresentation of Military Service SB _____
 ANALYST Edwards

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY18 | FY19 | FY20 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|---------|---------|---------|----------------------|------------------------------|------------------|
| Total | Minimal | Minimal | Minimal | Minimal | Recurring | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Veterans' Services Department (VSD)

Office of the Attorney General (NMAG)

Response Not Received From

Department of Military Affairs (DMA)

SUMMARY

Synopsis of Bill

House Bill 67 makes it a misdemeanor to present oneself as having served or as currently serving in the United States Military for the intentional taking of anything of value based on that service.

FISCAL IMPLICATIONS

The fiscal impact of this bill is expected to be minimal. The courts do not anticipate increased costs should the bill be enacted.

SIGNIFICANT ISSUES

The Veteran's Services Department provided the following historical analysis:

As of the end of 2017, there are 26 states that currently have some form of a “stolen valor” law that has been enacted. These states enacted legislation following the passage of the federal “Stolen Valor Act of 2013” (PL113-23) that amended the federal criminal code to rewrite provisions relating to fraudulent claims about military service to subject the offender to a fine, imprisonment for not more than one year, or both, for an individual who, with intent to obtain money, property, or other tangible benefit, fraudulently holds himself or herself out to be a recipient of:

- a Medal of Honor (Army, Navy, Air Force, Marine Corps, Coast Guard)
- 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,
- a Combat Action Medal, or
- any replacement or duplicate medal for such medal as authorized by law.

The states moved to enact legislation that was more encompassing to allow for prosecution for any person that would falsely claim to have served or are currently serving in the United States military in order to fraudulently gain from their false claims.

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