

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one.)
of Erie

FILED
STATE RECORDS

DEC 07 2017

Local Law No. 6 of the year 20 17

DEPARTMENT OF STATE

A local law Imposing Misdemeanor Criminal Sanctions upon Finding Fraudulent
(Insert Title)
Representation of Military Status to Receive a Monetary or other
Tangible Benefit, otherwise known as the Theft of Valor Law

Be it enacted by the _____ of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one.)
of Erie

as follows:

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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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 Edward A. Rath

Co-Sponsor: Chairman John J. Mills, Legislator Ted B. Morton and Legislator Lynne M. Dixon

REFERENCE: LOCAL LAW INTRO. 19-1 (2017)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 20 17 of the (County) _____ of Erie was duly passed by the Erie County Legislature on November 2 20 2017, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the Erie County Executive and was deemed duly adopted (Elective Chief Executive Officer*) on November 20 20 17, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

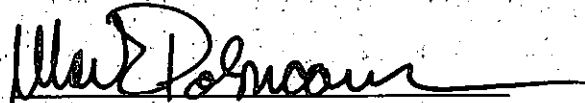
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.

Kenneth M. McEnty
Clerk of the county legislative body, City/Town or Village Clerk or
officer designated by local legislative body

Date: Dec. 4 2017

(Seal)

A Public Hearing was held on the foregoing Local Law Intro. No. 19-1 (2017) on November 17, 2017 due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 20th day of November, 2017.


Mark C. Poloncarz

A Public Hearing was held on the foregoing Local Law Intro. No. 19-1 2017 on November 17, 2017 due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ____ day of _____, 2017.

Mark C. Poloncarz