

BILL ANALYSIS

Senate Research Center
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S.B. 664
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2011, the legislature created the offense of fraudulently or fictitiously claiming to hold a military record. This law was passed in response to claims that persons were manufacturing fraudulent military records for the purpose of securing preferences, admission, or other benefits reserved for persons with actual military service. Under the Act approved in 2011, a person commits an offense if they claim a military record that they know to be fraudulent or fictitious for the purpose promoting a business or otherwise securing a benefit or preference reserved for veterans under state law. A violation of this requirement is a Class C misdemeanor, punishable by a fine not to exceed \$500.

While the 2011 Act created an offense and penalty for a person's use of a fraudulent or fictitious military record, state law remains silent with regard to the disposition of jobs and employment contracts secured through the use of a falsified military record. While a person may be found guilty of having used a falsified military record, they may still keep their job secured through the use of that record. S.B. 664, formally cited as the Stolen Valor Act, authorizes an employer to terminate an employee if the employer determines that the employee falsified their military record. The Stolen Valor Act also provides that any employment contract entered into by an employer with an employee found to have falsified his or her military service is void and unenforceable. The intent of these changes is to provide employers with clear authority to terminate employees who falsify their military service records in obtaining employment or any benefit relating to that employment.

As proposed, S.B. 664 amends current law relating to employment termination for falsification of military record in obtaining employment or employment benefits.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Require this Act to be known as the Stolen Valor Act.

SECTION 2. Amends Title 3, Labor Code, by adding Chapter 105, as follows:

CHAPTER 105. EMPLOYMENT TERMINATION FOR FALSIFICATION OF MILITARY RECORD IN OBTAINING EMPLOYMENT OR EMPLOYMENT BENEFITS

Sec. 105.001. DEFINITIONS. Defines "employee," "employer," and "military record."

Sec. 105.002. EMPLOYMENT TERMINATION; EMPLOYMENT CONTRACT VOID AND UNENFORCEABLE. (a) Authorizes an employer to discharge an employee, regardless of whether the employee is employed under an employment contract with the employer, if the employer determines, based on a reasonable belief, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the

employee's military record in a manner that would constitute an offense under Section 32.54 (Fraudulent or Fictitious Military Record), Penal Code.

(b) Provides that an employment contract entered into by an employer with an employee discharged by the employer under this section is void and unenforceable as against public policy.

Sec. 105.003. SUIT TO APPEAL TERMINATION. Authorizes an employee who was employed by an employer under an employment contract on the date of the employee's termination and who believes the employee was wrongfully terminated under Section 105.002 to bring suit against the employer in a district court in the county in which the termination occurred for appropriate relief, including rehiring or reinstatement to the employee's previous job, payment of back wages, and reestablishment of employee benefits to which the employee otherwise would have been eligible if the employee had not been terminated.

SECTION 3. Makes application of Chapter 105, Labor Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2015.