

-CITE-

18 USC Sec. 704

01/03/2007

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 33 - EMBLEMS, INSIGNIA, AND NAMES

-HEAD-

Sec. 704. Military medals or decorations

-STATUTE-

(a) In General. - Whoever knowingly wears, purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both.

(b) False Claims About Receipt of Military Decorations or Medals. - Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both.

(c) Enhanced Penalty for Offenses Involving Congressional Medal of Honor. -

(1) In general. - If a decoration or medal involved in an offense under subsection (a) or (b) is a Congressional Medal of Honor, in lieu of the punishment provided in that subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.

(2) Congressional medal of honor defined. - In this subsection, the term "Congressional Medal of Honor" means -

(A) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

(B) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

(C) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.

(d) Enhanced Penalty for Offenses Involving Certain Other Medals. - If a decoration or medal involved in an offense described in subsection (a) or (b) is a distinguished-service cross awarded under section 3742 of title 10, a Navy cross awarded under section 6242 of title 10, an Air Force cross awarded under section 8742 of title 10, a silver star awarded under section 3746, 6244, or 8746 of title 10, a Purple Heart awarded under section 1129 of title 10, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the punishment provided in the applicable subsection, the offender shall be fined under this title,

imprisoned not more than 1 year, or both.

-SOURCE-

(June 25, 1948, ch. 645, 62 Stat. 732; May 24, 1949, ch. 139, Sec. 16, 63 Stat. 92; Pub. L. 103-322, title XXXII, Sec. 320109, title XXXIII, Sec. 330016(1)(E), Sept. 13, 1994, 108 Stat. 2113, 2146; Pub. L. 103-442, Nov. 2, 1994, 108 Stat. 4630; Pub. L. 104-294, title VI, Sec. 604(b)(16), Oct. 11, 1996, 110 Stat. 3507; Pub. L. 107-107, div. A, title V, Sec. 553(e), Dec. 28, 2001, 115 Stat. 1117; Pub. L. 109-437, Sec. 3, Dec. 20, 2006, 120 Stat. 3266.)

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HISTORICAL AND REVISION NOTES

1948 ACT

Based on section 1425 of title 10, U.S.C., 1940 ed., Army and Air Force (Feb. 24, 1923, ch. 110, 42 Stat. 1286; Apr. 21, 1928, ch. 392, 45 Stat. 437).

Section was made to cover the decorations and medals of the Navy Department as well as the War Department.

Minor changes were made in phraseology.

1949 ACT

This section [section 16] clarifies the wording of section 704 of title 18, U.S.C., to embrace all service decorations awarded to members of the armed forces whether by the Army, Navy, Air Force, or other branch of such forces. (See note to sec. 5 [of 1949 Act, set out in Legislative History note under section 244 of title 18]).

AMENDMENTS

2006 - Subsec. (a). Pub. L. 109-437, Sec. 3(a), substituted "purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value" for "manufactures, or sells".

Subsec. (b). Pub. L. 109-437, Sec. 3(b)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 109-437, Sec. 3(b)(1), (d)(1), redesignated subsec. (b) as (c) and inserted "Enhanced Penalty for Offenses Involving" before "Congressional Medal of Honor" in heading.

Subsec. (c)(1). Pub. L. 109-437, Sec. 3(b)(3), inserted "or (b)" after "subsection (a)".

Subsec. (c)(2). Pub. L. 109-437, Sec. 3(d)(2), added par. (2) and struck out former par. (2) which defined "sells" and "Congressional Medal of Honor".

Subsec. (d). Pub. L. 109-437, Sec. 3(c), added subsec. (d).

2001 - Subsec. (b)(2)(B). Pub. L. 107-107 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "As used in this subsection, 'Congressional Medal of Honor' means a medal awarded under section 3741, 6241, or 8741 of title 10."

1996 - Subsec. (a). Pub. L. 104-294 amended Pub. L. 103-322, Sec. 320109(1). See 1994 Amendment note below.

1994 - Subsec. (a). Pub. L. 103-322, Secs. 320109(2), 330016(1)(E), amended subsec. (a) identically, substituting "fined under this title" for "fined not more than \$250".

Pub. L. 103-322, Sec. 320109(1), as amended by Pub. L. 104-294, Sec. 604(b)(16), designated existing provisions as subsec. (a) and inserted heading.

Subsec. (b). Pub. L. 103-322, Sec. 320109(3), added subsec. (b).

Subsec. (b)(2)(B). Pub. L. 103-442 inserted ", 6241, or 8741" after "3741".

1949 - Act May 24, 1949, covered all service decorations awarded members of the armed forces by any of the armed services.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

FINDINGS

Pub. L. 109-437, Sec. 2, Dec. 20, 2006, 120 Stat. 3266, provided that: "Congress makes the following findings:

"(1) Fraudulent claims surrounding the receipt of the Medal of Honor, the distinguished-service cross, the Navy cross, the Air Force cross, the Purple Heart, and other decorations and medals awarded by the President or the Armed Forces of the United States damage the reputation and meaning of such decorations and medals.

"(2) Federal law enforcement officers have limited ability to prosecute fraudulent claims of receipt of military decorations and medals.

"(3) Legislative action is necessary to permit law enforcement officers to protect the reputation and meaning of military decorations and medals."

-End-