

# ASSEMBLY, No. 1676

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblywoman ALISON LITTELL MCHOSE**

**District 24 (Sussex, Hunterdon and Morris)**

**Assemblyman GARY R. CHIUSANO**

**District 24 (Sussex, Hunterdon and Morris)**

**SYNOPSIS**

Prohibits unauthorized use of name and images of members of Armed Forces of United States.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT prohibiting the unauthorized use of names and images of  
2 members of the Armed Forces of the United States and  
3 supplementing Title 2C of the New Jersey Statutes.  
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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
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8 1. As used in this act:

9 "Living survivor of the protected individual" means the living  
10 survivor or survivors of the protected individual highest on the  
11 following list: the surviving spouse; the children; the parents; the  
12 grandparents; or the siblings.

13 "Protected individual" means any person who is a member of the  
14 Armed Forces of the United States; or was a member of the Armed  
15 Forces at any time after on or after April 6, 1917, and, if not living,  
16 has a surviving spouse, child, parent, grandparent, or sibling.  
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18 2. No person may knowingly use the name or image of a  
19 protected individual, except with the written permission of the  
20 protected individual, or if the protected individual is deceased, the  
21 living survivor of the protected individual, in connection with any  
22 merchandise, retail product, impersonation, solicitation, or  
23 commercial activity in a manner reasonably calculated to:

24 a. connect the protected individual with that individual's service  
25 in the Armed Forces; and

26 b. convey the impression that such use is approved, endorsed, or  
27 authorized by the protected individual or the living survivors of the  
28 protected individual.  
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30 3. a. Any person who violates the provisions of this act shall be  
31 guilty of a disorderly persons offense and shall, notwithstanding  
32 subsection c. of N.J.S.2C:43-3, be fined not less than \$1,000 or  
33 more than \$2,500. The penalty shall be exclusive of and in addition  
34 to any other penalties provided under Title 2C of the New Jersey  
35 Statutes.

36 b. Whenever there shall be a violation of this act an application  
37 may be made by the Attorney General in the name of the people of  
38 the State to a court having jurisdiction to issue an injunction, and  
39 upon notice to the defendant of not less than five days, to enjoin and  
40 restrain the continuance of the violation; and if it shall appear to the  
41 satisfaction of the court that the defendant has, in fact, violated this  
42 act, an injunction may be issued by the court, enjoining and  
43 restraining any further violations, without requiring proof that any  
44 person has in fact been injured or damaged.  
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46 4. This act shall take effect immediately.

STATEMENT

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This bill is in response to the merchandise currently being sold on various websites that state, generally, “Bush Lied, They Died.” The merchandise, often t-shirts, will then list the names of members of the Armed Forces of the Untied States who have died in Iraq without the permission of the surviving family members of those men and women.

This bill prohibits a person from knowingly using the name or image of a protected individual, except with the written permission of the protected individual, or if the protected individual is deceased, the living survivor or each living survivor, as applicable, of the protected individual, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to: a. connect the protected individual with that individual's service in the Armed Forces; and b. convey the impression that such use is approved, endorsed, or authorized by the protected individual or the living survivors of the protected individual.

The bill defines a “protected individual” as any person who is a member of the Armed Forces; or who was a member of the Armed Forces at any time after on or after April 6, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling and defines a “living survivor of the protected individual” as the living survivor or survivors of the protected individual highest on the following list: the surviving spouse; the children; the parents; the grandparents; or the siblings.

The bill further provides that any person who violates the provisions of the bill shall be guilty of a disorderly persons offense and shall be fined not less than \$1,000 or more than \$2,500. That penalty shall be exclusive of and in addition to any other penalties provided under Title 2C of the New Jersey Statutes.

In addition to a monetary penalty, an application may be made by the Attorney General in the name of the people of the State to a court having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of the violation. If it appears to the satisfaction of the court that the defendant has, in fact, violated the provisions of the bill, an injunction may be issued by the court, enjoining and restraining any further violations, without requiring proof that any person has in fact, been injured or damaged.