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RWH 3/8/2008

P.L. 2006, CHAPTER 79, *approved August 2, 2006*
Assembly, No. 2685 (*Second Reprint*)

1 AN ACT creating a New Jersey POW-MIA medal, supplementing
2 Title 38A of the Revised Statutes ²and making an
3 appropriation².
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. The Governor may present in the name of the State of New
9 Jersey a POW-MIA medal of appropriate design, and ribbon to be
10 worn in lieu thereof, to:

11 ¹**[(1.)]** (1)¹any person who, on the date of induction into the
12 organized militia or federal military service, was a resident of this
13 State and who, while serving in the organized militia or in federal
14 military service on active duty in a combat theater of operation
15 during time of war or emergency, shall have been officially listed as
16 a prisoner of war or missing in action by the United States
17 Department of Defense; or

18 ¹**[(2.)]** (2)¹any person who, on the date of induction into the
19 organized militia or federal military service, was not a resident of
20 this State but currently resides in this State or was a resident at time
21 of death and who, while serving in the organized militia or in
22 federal military service on active duty in a combat theater of
23 operation during time of war or emergency, shall have been
24 officially listed as a prisoner of war or missing in action by the
25 United States Department of Defense; and

26 ¹**[(3.)]** any person who, as a member of a unit of the organized
27 militia or federal military service **]** (3)¹was taken prisoner and held
28 captive or declared missing in action: (a) while engaged in an
29 action against an enemy of the United States; (b) while engaged in
30 military operations involving conflict with an opposing foreign
31 force; or (c) while serving with friendly forces engaged in an armed
32 conflict against an opposing force in which the United States is not
33 a belligerent party.

34 b. The period of creditable military service must include the
35 period of captivity from date of capture through date of release.
36 While no minimum time period of captivity exists as eligibility
37 criteria for the medal, the New Jersey Department of Military and
38 Veterans' Affairs should determine each case on its merits.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AMV committee amendments adopted May 15, 2006.

²Assembly floor amendments adopted June 8, 2006.

1 c. The medal shall be issued only to those taken prisoner by
2 foreign armed forces that are hostile to the United States, under
3 circumstances which the Adjutant General, or his designee, finds to
4 have been comparable to those under which persons have generally
5 been held captive by enemy armed forces during periods of armed
6 conflict.

7 d. Any person convicted by a United States military tribunal of
8 misconduct or a criminal charge or whose discharge is less than
9 honorable based on actions while a POW-MIA is ineligible for the
10 medal. ¹~~【The】~~ Any¹ POW-MIA whose conduct was not in accord
11 with the Code of Conduct and whose actions are documented by
12 United States military records, ¹~~【are】~~ is¹ ineligible for the medal.
13 Resolution of questionable cases shall be the responsibility of the
14 Adjutant General or his designee.

15 e. No more than one medal shall be awarded. For subsequent
16 acts justifying award of the medal, service stars shall be awarded
17 and worn on the suspension and service ribbon of the medal. A
18 period of captivity terminates on return to United States military
19 control. Escapees who do not return to United States military
20 control and are recaptured by an enemy do not begin a new period
21 of captivity for subsequent award of the medal.

22 f. The medal may be awarded for a deceased person or a person
23 absent as a prisoner of war or missing in action and, when so
24 directed, may be presented to such representatives, as the Adjutant
25 General considers appropriate, who submits all of the required
26 forms and documentation on behalf of that person.

27 Return of remains, in and of itself, does not constitute evidence
28 of POW-MIA status.

29
30 2. The Department of Military and ¹~~【Veterans】~~ Veterans¹
31 Affairs shall receive requests for, and issue, the medal to eligible
32 individuals or their next-of-kin, who shall use the “New Jersey
33 Department of Military and Veterans’ Affairs application for
34 award/program” application, attaching a copy of DD Form 214 or
35 WD Form 53 and death certificate copy, if applicable.

36
37 3. ²~~【There is appropriated from the General Fund to the New~~
38 Jersey Department of Military and Veterans’ Affairs \$5,000 to
39 effectuate the purposes enumerated in this bill.】 There is created in
40 the Department of the Treasury a special, non-lapsing fund to be
41 known as the “POW-MIA Medal Fund.” There shall be deposited
42 into the fund the amounts made available for the purposes of the
43 fund and monetary donations that may be received from any source
44 for the purposes of the fund and any interest earned thereon.
45 Monies deposited in the fund shall be dedicated for the design,
46 manufacture and distribution of the medal.²

1 4. This act shall take effect six months from the date of
2 enactment, but the New Jersey Department of Military and
3 Veterans' Affairs may take such anticipatory administrative action
4 in advance thereof as shall be necessary for the implementation of
5 this act.

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10 Creates New Jersey POW-MIA medal.

ASSEMBLY, No. 2685

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 27, 2006

Sponsored by:

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

SYNOPSIS

Creates New Jersey POW-MIA medal; appropriates \$5,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/16/2006)

1 AN ACT creating a New Jersey POW-MIA medal, supplementing
2 Title 38A of the Revised Statutes and making an appropriation.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. a. The Governor may present in the name of the State of
8 New Jersey a POW-MIA medal of appropriate design, and ribbon to
9 be worn in lieu thereof, to:

10 (1.) any person who, on the date of induction into the organized
11 militia or federal military service, was a resident of this State and
12 who, while serving in the organized militia or in federal military
13 service on active duty in a combat theater of operation during time
14 of war or emergency, shall have been officially listed as a prisoner
15 of war or missing in action by the United States Department of
16 Defense; or

17 (2.) any person who, on the date of induction into the organized
18 militia or federal military service, was not a resident of this State
19 but currently resides in this State or was a resident at time of death
20 and who, while serving in the organized militia or in federal
21 military service on active duty in a combat theater of operation
22 during time of war or emergency, shall have been officially listed as
23 a prisoner of war or missing in action by the United States
24 Department of Defense; and

25 (3.) any person who, as a member of a unit of the organized
26 militia or federal military service was taken prisoner and held
27 captive or declared missing in action: (a) while engaged in an
28 action against an enemy of the United States; (b) while engaged in
29 military operations involving conflict with an opposing foreign
30 force; or (c) while serving with friendly forces engaged in an armed
31 conflict against an opposing force in which the United States is not
32 a belligerent party.

33 b. The period of creditable military service must include the
34 period of captivity from date of capture through date of release.
35 While no minimum time period of captivity exists as eligibility
36 criteria for the medal, the New Jersey Department of Military and
37 Veterans' Affairs should determine each case on its merits.

38 c. The medal shall be issued only to those taken prisoner by
39 foreign armed forces that are hostile to the United States, under
40 circumstances which the Adjutant General, or his designee, finds to
41 have been comparable to those under which persons have generally
42 been held captive by enemy armed forces during periods of armed
43 conflict.

44 d. Any person convicted by a United States military tribunal of
45 misconduct or a criminal charge or whose discharge is less than
46 honorable based on actions while a POW-MIA is ineligible for the
47 medal. The POW-MIA whose conduct was not in accord with the
48 Code of Conduct and whose actions are documented by United

1 States military records, are ineligible for the medal. Resolution of
2 questionable cases shall be the responsibility of the Adjutant
3 General or his designee.

4 e. No more than one medal shall be awarded. For subsequent
5 acts justifying award of the medal, service stars shall be awarded
6 and worn on the suspension and service ribbon of the medal. A
7 period of captivity terminates on return to United States military
8 control. Escapees who do not return to United States military
9 control and are recaptured by an enemy do not begin a new period
10 of captivity for subsequent award of the medal.

11 f. The medal may be awarded for a deceased person or a
12 person absent as a prisoner of war or missing in action and, when so
13 directed, may be presented to such representatives, as the Adjutant
14 General considers appropriate, who submits all of the required
15 forms and documentation on behalf of that person.

16 Return of remains, in and of itself, does not constitute evidence
17 of POW-MIA status.

18

19 2. The Department of Military and Veterans Affairs shall
20 receive requests for, and issue, the medal to eligible individuals or
21 their next-of-kin, who shall use the "New Jersey Department of
22 Military and Veterans' Affairs application for award/program"
23 application, attaching a copy of DD Form 214 or WD Form 53 and
24 death certificate copy, if applicable.

25

26 3. There is appropriated from the General Fund to the New
27 Jersey Department of Military and Veterans' Affairs \$5,000 to
28 effectuate the purposes enumerated in this bill.

29

30 4. This act shall take effect six months from the date of
31 enactment, but the New Jersey Department of Military and
32 Veterans' Affairs may take such anticipatory administrative action
33 in advance thereof as shall be necessary for the implementation of
34 this act.

35

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STATEMENT

38

39 This bill creates a POW-MIA medal to be awarded to those who
40 were taken prisoner and held captive or declared missing in action:
41 1) while engaged in an action against an enemy of the United
42 States; 2) while engaged in military operations involving conflict
43 with an opposing foreign force; or 3) while serving with friendly
44 forces engaged in an armed conflict against an opposing force in
45 which the United States is not a belligerent party.

46 The medal is for prisoners of war and persons missing in action
47 in recognition of the sacrifices made by those who have become
48 prisoners of war or who have been found to be missing in action.

A2685 CONNERS, COHEN

4

- 1 The POW-MIA medal for a person absent as a prisoner of war or
- 2 missing in action will be issued to the parent, spouse, sibling or
- 3 other relative who submits all of the required forms and
- 4 documentation on behalf of that person.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2685

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 2006

The Assembly Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly, No. 2685.

This bill, as amended, creates a POW-MIA medal to be awarded to certain State residents who were taken prisoner and held captive or declared missing in action: 1) while engaged in an action against an enemy of the United States; 2) while engaged in military operations involving conflict with an opposing foreign force; or 3) while serving with friendly forces engaged in an armed conflict against an opposing force in which the United States is not a belligerent party.

The medal is for prisoners of war and persons missing in action in recognition of the sacrifices made by those who have become prisoners of war or who have been found to be missing in action. The POW-MIA medal for a person absent as a prisoner of war or missing in action will be issued to the parent, spouse, sibling or other relative who submits all of the required forms and documentation on behalf of that person.

The committee amendment clarifies wording concerning the eligibility criteria for receipt of the medal and makes technical changes to grammar.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2685

with Assembly Floor Amendments
(Proposed By Assemblyman CONNERS)

ADOPTED: JUNE 8, 2006

This amendment removes the \$5,000 appropriation and creates a non-lapsing fund in the Department of the Treasury. The fund will be known as the "POW-MIA Medal Fund" and will contain funds made available or monetary donations received from any source for the design, manufacture and distribution of the medal.

SENATE, No. 1613

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 6, 2006

Sponsored by:

Senator JOHN A. GIRGENTI
District 35 (Bergen and Passaic)
Senator ANTHONY R. BUCCO
District 25 (Morris)

Co-Sponsored by:

Senator Inverso

SYNOPSIS

Creates New Jersey POW-MIA medal; appropriates \$5,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2006)

1 AN ACT creating a New Jersey POW-MIA medal, supplementing
2 Title 38A of the Revised Statutes and making an appropriation.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. a. The Governor may present in the name of the State of New
8 Jersey a POW-MIA medal of appropriate design, and ribbon to be
9 worn in lieu thereof, to:

10 (1.) any person who, on the date of induction into the organized
11 militia or federal military service, was a resident of this State and
12 who, while serving in the organized militia or in federal military
13 service on active duty in a combat theater of operation during time
14 of war or emergency, shall have been officially listed as a prisoner
15 of war or missing in action by the United States Department of
16 Defense; or

17 (2.) any person who, on the date of induction into the organized
18 militia or federal military service, was not a resident of this State
19 but currently resides in this State or was a resident at time of death
20 and who, while serving in the organized militia or in federal
21 military service on active duty in a combat theater of operation
22 during time of war or emergency, shall have been officially listed as
23 a prisoner of war or missing in action by the United States
24 Department of Defense; and

25 (3.) any person who, as a member of a unit of the organized
26 militia or federal military service was taken prisoner and held
27 captive or declared missing in action: (a) while engaged in an
28 action against an enemy of the United States; (b) while engaged in
29 military operations involving conflict with an opposing foreign
30 force; or (c) while serving with friendly forces engaged in an armed
31 conflict against an opposing force in which the United States is not
32 a belligerent party.

33 b. The period of creditable military service must include the
34 period of captivity from date of capture through date of release.
35 While no minimum time period of captivity exists as eligibility
36 criteria for the medal, the New Jersey Department of Military and
37 Veterans' Affairs should determine each case on its merits.

38 c. The medal shall be issued only to those taken prisoner by
39 foreign armed forces that are hostile to the United States, under
40 circumstances which the Adjutant General, or his designee, finds to
41 have been comparable to those under which persons have generally
42 been held captive by enemy armed forces during periods of armed
43 conflict.

44 d. Any person convicted by a United States military tribunal of
45 misconduct or a criminal charge or whose discharge is less than
46 honorable based on actions while a POW-MIA is ineligible for the
47 medal. The POW-MIA whose conduct was not in accord with the
48 Code of Conduct and whose actions are documented by United

S1613 GIRGENTI, BUCCO

3

1 States military records, are ineligible for the medal. Resolution of
2 questionable cases shall be the responsibility of the Adjutant
3 General or his designee.

4 e. No more than one medal shall be awarded. For subsequent
5 acts justifying award of the medal, service stars shall be awarded
6 and worn on the suspension and service ribbon of the medal. A
7 period of captivity terminates on return to United States military
8 control. Escapees who do not return to United States military
9 control and are recaptured by an enemy do not begin a new period
10 of captivity for subsequent award of the medal.

11 f. The medal may be awarded for a deceased person or a person
12 absent as a prisoner of war or missing in action and, when so
13 directed, may be presented to such representatives, as the Adjutant
14 General considers appropriate, who submits all of the required
15 forms and documentation on behalf of that person.

16 Return of remains, in and of itself, does not constitute evidence
17 of POW-MIA status.

18

19 2. The Department of Military and Veterans Affairs shall
20 receive requests for, and issue, the medal to eligible individuals or
21 their next-of-kin, who shall use the "New Jersey Department of
22 Military and Veterans' Affairs application for award/program"
23 application, attaching a copy of DD Form 214 or WD Form 53 and
24 death certificate copy, if applicable.

25

26 3. There is appropriated from the General Fund to the New
27 Jersey Department of Military and Veterans' Affairs \$5,000 to
28 effectuate the purposes enumerated in this bill.

29

30 4. This act shall take effect six months from the date of
31 enactment, but the New Jersey Department of Military and
32 Veterans' Affairs may take such anticipatory administrative action
33 in advance thereof as shall be necessary for the implementation of
34 this act.

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STATEMENT

38

39 This bill creates a POW-MIA medal to be awarded to those who
40 were taken prisoner and held captive or declared missing in action:
41 1) while engaged in an action against an enemy of the United
42 States; 2) while engaged in military operations involving conflict
43 with an opposing foreign force; or 3) while serving with friendly
44 forces engaged in an armed conflict against an opposing force in
45 which the United States is not a belligerent party.

46 The medal is for prisoners of war and persons missing in action
47 in recognition of the sacrifices made by those who have become
48 prisoners of war or who have been found to be missing in action.

S1613 GIRGENTI, BUCCO

4

- 1 The POW-MIA medal for a person absent as a prisoner of war or
- 2 missing in action will be issued to the parent, spouse, sibling or
- 3 other relative who submits all of the required forms and
- 4 documentation on behalf of that person.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1613

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1613.

This bill creates a POW-MIA medal to be awarded to those who were taken prisoner and held captive or declared missing in action: 1) while engaged in an action against an enemy of the United States; 2) while engaged in military operations involving conflict with an opposing foreign force; or 3) while serving with friendly forces engaged in an armed conflict against an opposing force in which the United States is not a belligerent party.

The medal is for prisoners of war and persons missing in action in recognition of the sacrifices made by those who have become prisoners of war or who have been found to be missing in action. The POW-MIA medal for a person absent as a prisoner of war or missing in action will be issued to the parent, spouse, sibling or other relative who submits all of the required forms and documentation on behalf of that person.

The committee amendment is technical in nature and corrects a grammatical error.

STATEMENT TO

[First Reprint]

SENATE, No. 1613

with Senate Floor Amendments
(Proposed By Senator GIRGENTI)

ADOPTED: JUNE 19, 2006

This amendment clarifies wording concerning the eligibility criteria for receipt of the POW-MIA medal. Specifically, the amendment clarifies the required circumstances leading to the capture or disappearance of a person who is then officially listed as a prisoner of war or missing in action by the US Department of Defense.

This amendment also removes the \$5,000 appropriation and creates a non-lapsing fund in the Department of the Treasury. The fund will be known as the "POW-MIA Medal Fund" and will contain funds made available or monetary donations received from any source for the design, manufacture and distribution of the medal.