



Can an Organization Copy a Military Identification Card?

By: Katharine Meyer, Esq.

Does your association give discounts to members of the military? Does your certification organization accept military identification cards ("Military IDs") as a form of identification? While these are obviously acceptable practices, organizations need to be careful with how they handle Military IDs.

Recently, we were asked about a client's policy regarding the use of Military IDs as a form of applicant identification. Its procedure was to keep a copy of a government issued military ID in an applicant's file. However, an applicant contacted the organization and stated that, while he had a Military ID, he would not provide a copy to the organization because it violated federal law. The applicant was correct. Making a copy of the Military ID is a violation of Title 18, U.S. Code Part I, Chapter 33, Section 701.

Section 701 specifically states that: "Whoever manufactures, sells or possesses any badge, identification card or other insignia of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof, or photographs, prints or in any other manner makes or executes any engraving, photograph, print or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under the regulation made pursuant to law, **shall be fined under this title or imprisoned not more than six months, or both.**" (emphasis added) This requirement does not apply to state and federal agencies, but does apply to non-profit and for-profit organizations.

So what should an organization do if it has been keeping copies of Military IDs? We recommend destroying all copies, and just keeping a record of the number set forth on the Military ID. If the organization needs a copy of a picture ID, request another form of identification (i.e. a passport or driver's license). If the organization is concerned that someone has had unauthorized access to a copy of a Military ID, the organization should contact law enforcement immediately.

The federal government will prosecute these cases. While an organization is not keeping a copy of the Military ID for any illegal purposes, there is still a risk that someone could use a copy of a Military ID to create counterfeit or “cloned” identification. This could occur if the association has a dishonest employee, or if someone hacks into its system.

If a copy of Military ID fell into the wrong hands, the results could be catastrophic. The security risk is too great not to be taken very seriously.

All organizations should be aware of, and adhere to, this regulation. If you have any questions, you can contact Katharine Meyer at kmeyer@gkglaw.com.