



# HOUSE BILL 511: NC National Guard/Courts-Martial.

2019-2020 General Assembly

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<b>Committee:</b>	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 9, 2019
<b>Introduced by:</b>	Reps. Grange, Szoka, Goodwin	<b>Prepared by:</b>	Tawanda N. Foster
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

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**OVERVIEW:** *House Bill 511 modifies Article 3 of Chapter 127A of the General Statutes and amends the statutes on courts-martial for the North Carolina National Guard.*

[As introduced, this bill was identical to S417, as introduced by Sens. Daniel, Britt, D. Davis, which is currently in Senate Judiciary.]

**CURRENT LAW:** Article 3 of Chapter 127A of the General Statutes provides laws that govern the North Carolina National Guard.

## BILL ANALYSIS:

This bill divides Article 3 of Chapter 127A into three parts and amends the statutes on courts-martial for the North Carolina National Guard. The three parts are as follows:

- Part 1. General Provisions.
- Part 2. Courts-Martial.
- Part 3. National Guard Family Assistance Centers.

The bill makes the following changes to the law on courts-martial for the NC National Guard:

- Adds the qualifications for "State's trial counsel" and "defense counsel" and clarifies membership in the NC State Bar is not required for military judges, State's trial counsel, and defense counsel.
- Clarifies the requirements for subject matter jurisdiction and personal jurisdiction in courts-martial.
- Clarifies the powers of military judges and summary court officers and provides for subpoena power of the State's trial counsel and defense counsel.
- Clarifies when a sentence to fine or imprison is imposed by a court-martial in this State the military judge, State's trial counsel, and Clerk of Superior Court of Wake County must take certain steps.
- Removes the requirement that sentences imposed by a special or general court-martial must be approved by the Governor.

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- Clarifies the procedures for appeal of a court-martial's judgement or order and the errors that may be asserted by the defendant and the State on appeal.
- Provides the defendant and the State may file interlocutory appeals of orders admitting or excluding evidence.
- Clarifies the rules that apply for practice and procedure for review of courts-martial by the Wake County Superior Court.
- Makes other technical corrections.

**EFFECTIVE DATE:** This act becomes effective on December 1, 2019, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date are not impacted by this act.