



# SENATE BILL 417: NC National Guard/Courts-Martial.

2019-2020 General Assembly

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<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	April 16, 2019
<b>Introduced by:</b>	Sens. Daniel, Britt, D. Davis	<b>Prepared by:</b>	Jennifer H. Bedford
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *Senate Bill 417 would amend the law regarding courts-martial for the North Carolina National Guard.*

[As introduced, this bill was identical to H511, as introduced by Reps. Grange, Szoka, and Goodwin which was reported favorably out of House Judiciary and is currently in House Rules.]

**CURRENT LAW:** A member of the North Carolina National Guard may receive a general, special, or summary courts-martial for a crime or offense within the jurisdiction of a general military court, committed when not in the service of the United States.

## BILL ANALYSIS:

**Senate Bill 417** would divide the National Guard Article, Article 3 of Chapter 127A, into the following three parts:

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

**Senate Bill 417** would require that the prosecuting and defense counsel in a court-martial be designated Judge Advocates and members of the North Carolina National Guard but does not require membership in the State Bar.

**Senate Bill 417** would also:

- Expand the personal jurisdiction of a court-martial to all members of the North Carolina National Guard at all times and in all places.
- Authorize the attorneys in a court-martial to issue subpoenas.
- Eliminate the need for the Governor's approval to impose a sentence by court-martial.
- Allow an appeal from any court-martial's judgment.
- Create additional rights to appeal.
- Make conforming changes.

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

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