

2015 SESSION

INTRODUCED

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HOUSE BILL NO. 1597

Offered January 14, 2015

Prefiled January 8, 2015

A BILL to amend the Code of Virginia by adding a section numbered 44-40.01, relating to the Virginia National Guard; nonjudicial punishment.

Patron—Anderson

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 44-40.01 as follows:

§ 44-40.01. Nonjudicial disciplinary proceedings.

Servicemembers of the Virginia National Guard, not in federal service, are subject to nonjudicial punishment pursuant to Part V of the Manual for Courts-Martial, United States. A commander's authority to impose nonjudicial punishment shall not include the authority to impose correctional custody, arrest in quarters, restriction, or extra duties. When nonjudicial punishment is to be imposed by a commanding officer of the rank of major or above, a servicemember shall not be allowed to demand trial by court-martial in lieu of nonjudicial punishment. Servicemembers shall retain all appeal rights available under the Manual for Courts-Martial.

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