

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 194

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

[H 1597]

Approved March 16, 2015

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.

Service members 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. Reduction in rank shall not be imposed if the service member has more than 10 years of military service and is in the rank of E-5 or above. When nonjudicial punishment is to be imposed by a commanding officer of the rank of major or above, a service member shall not be allowed to demand trial by court-martial in lieu of nonjudicial punishment. Service members shall retain all appeal rights available under the Manual for Courts-Martial, and the appeal shall include a review for abuse of discretion and legal sufficiency of the evidence.