

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1597]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 44-40.01 as follows:**8 ***§ 44-40.01. Nonjudicial disciplinary proceedings.***

9 *Service members of the Virginia National Guard, not in federal service, are subject to nonjudicial*
10 *punishment pursuant to Part V of the Manual for Courts-Martial, United States. A commander's*
11 *authority to impose nonjudicial punishment shall not include the authority to impose correctional*
12 *custody, arrest in quarters, restriction, or extra duties. Reduction in rank shall not be imposed if the*
13 *service member has more than 10 years of military service and is in the rank of E-5 or above. When*
14 *nonjudicial punishment is to be imposed by a commanding officer of the rank of major or above, a*
15 *service member shall not be allowed to demand trial by court-martial in lieu of nonjudicial punishment.*
16 *Service members shall retain all appeal rights available under the Manual for Courts-Martial, and the*
17 *appeal shall include a review for abuse of discretion and legal sufficiency of the evidence.*

ENROLLED

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