

By: Representative Rogers (61st)

To: Judiciary A

HOUSE BILL NO. 732
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 33-13-155, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE MAXIMUM FINES WHICH MAY BE IMPOSED BY GENERAL
3 COURTS-MARTIAL; TO AMEND SECTION 33-13-157, MISSISSIPPI CODE OF
4 1972, TO REVISE THE MAXIMUM FINE WHICH MAY BE IMPOSED BY SPECIAL
5 COURTS-MARTIAL; TO AMEND SECTION 33-13-159, MISSISSIPPI CODE OF
6 1972, TO REVISE THE MAXIMUM FINE WHICH MAY BE IMPOSED BY SUMMARY
7 COURTS-MARTIAL; TO AMEND SECTION 33-13-613, MISSISSIPPI CODE OF
8 1972, TO ALLOW THE ADJUTANT GENERAL TO DESIGNATE THE CONFINEMENT
9 FACILITY WHEN THE SENTENCE OF A COURT-MARTIAL ADJUDGES
10 CONFINEMENT; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** Section 33-13-155, Mississippi Code of 1972, is
13 amended as follows:

14 33-13-155. (1) Subject to Section 33-13-153 of this code,
15 general courts-martial have jurisdiction to try persons subject to
16 this code for any offense made punishable by this code and may
17 under such limitations as the Governor may prescribe, adjudge any
18 of the following punishments:

19 (a) A fine of not more than * * * Two Thousand Dollars
20 (\$2,000.00) or confinement for not more than six (6) months;

21 (b) A reprimand; or

22 (c) A bad conduct discharge; or



- 23 (d) Dismissal or a dishonorable discharge; or
24 (e) Reduction of enlisted personnel to lowest pay
25 grade; or
26 (f) Any combination of these punishments.

27 (2) A dismissal, a bad conduct, or dishonorable discharge
28 may not be adjudged unless a complete record of the proceedings
29 and testimony has been made, counsel having the qualifications
30 prescribed under Section 33-13-15(2) of this code was detailed to
31 represent the accused, and a military judge was detailed to the
32 trial.

33 **SECTION 2.** Section 33-13-157, Mississippi Code of 1972, is
34 amended as follows:

35 33-13-157. (1) Subject to Section 33-13-153 of this code,
36 special courts-martial have jurisdiction to try persons subject to
37 this code, except commissioned officers, for any offense for which
38 they may be punished under this code. A special court-martial has
39 the same powers or punishment as a general court-martial, except:

40 (a) A fine of not more than * * * One Thousand Dollars
41 (\$1,000.00), or confinement of not more than one hundred (100)
42 days for a single offense.

43 (b) A dishonorable discharge may not be imposed.

44 (2) A dismissal of a warrant officer or a bad conduct
45 discharge may not be adjudged unless a complete record of the
46 proceedings and testimony has been made, counsel having the
47 qualifications prescribed under Section 33-13-15(2) of this code



48 was detailed to represent the accused, and a military judge was
49 detailed to the trial, except in any case in which a military
50 judge could not be detailed to the trial because of physical
51 conditions or military exigencies. In any such case in which a
52 military judge was not detailed to the trial, the convening
53 authority shall make a detailed written statement, to be appended
54 to the record, stating the reason or reasons a military judge
55 could not be detailed.

56 **SECTION 3.** Section 33-13-159, Mississippi Code of 1972, is
57 amended as follows:

58 33-13-159. (1) Subject to Section 33-13-153 of this code,
59 summary courts-martial have jurisdiction to try persons subject to
60 this code, except officers, for any offense made punishable by
61 this code.

62 (2) No person with respect to whom summary courts-martial
63 have jurisdiction may be brought to trial before a summary
64 court-martial if he objects thereto. If objection to trial by
65 summary court-martial is made by an accused, trial may be ordered
66 by special or general court-martial, as may be appropriate.

67 (3) A summary court-martial may sentence to a fine of not
68 more than * * * Two Hundred Fifty Dollars (\$250.00) or confinement
69 for not more than twenty-five (25) days for a single offense and
70 reduction of enlisted personnel to the lowest pay grade.

71 **SECTION 4.** Section 33-13-613, Mississippi Code of 1972, is
72 amended as follows:



73 33-13-613. (1) In the state military forces not in federal
74 service, the processes and sentences of its courts-martial shall
75 be executed by the civil officers prescribed by the laws of the
76 state.

77 (2) When the sentence of a court-martial, as approved and
78 ordered executed, adjudges confinement, and the convening
79 authority has approved the same in whole or in part, the reviewing
80 authority, or the commanding officer for the time being, as the
81 case may be, shall issue a warrant of commitment to the sheriff of
82 the county in which such court-martial was held * * *, where the
83 offense was committed, or of the county in which a confinement
84 facility as designated by the Adjutant General is located,
85 directing such sheriff to take the body of the person so sentenced
86 and confine him in the county jail of such county for the period
87 named in such sentence, as approved, or until he may be directed
88 to release him by proper authority.

89 **SECTION 5.** This act shall take effect and be in force from
90 and after July 1, 2016.

