

By: Representative Rogers (61st)

To: Judiciary A

HOUSE BILL NO. 732

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 33-13-419, MISSISSIPPI CODE OF
 8 1972, TO CORRECT THE REFERENCE TO THE UNITED STATES COURT OF
 9 APPEALS FOR THE ARMED FORCES; TO AMEND SECTION 33-13-613,
 10 MISSISSIPPI CODE OF 1972, TO ALLOW THE ADJUTANT GENERAL TO
 11 DESIGNATE THE CONFINEMENT FACILITY WHEN THE SENTENCE OF A
 12 COURT-MARTIAL ADJUDGES CONFINEMENT; AND FOR RELATED PURPOSES.

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

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

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

21 (a) A fine of not more than * * * Two Thousand Dollars
 22 (\$2,000.00) or confinement for not more than six (6) months;

23 (b) A reprimand; or



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

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

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

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

42 (a) A fine of not more than * * * One Thousand Dollars
43 (\$1,000.00), or confinement of not more than one hundred (100)
44 days for a single offense.

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

46 (2) A dismissal of a warrant officer or a bad conduct
47 discharge may not be adjudged unless a complete record of the
48 proceedings and testimony has been made, counsel having the



49 qualifications prescribed under Section 33-13-15(2) of this code
50 was detailed to represent the accused, and a military judge was
51 detailed to the trial, except in any case in which a military
52 judge could not be detailed to the trial because of physical
53 conditions or military exigencies. In any such case in which a
54 military judge was not detailed to the trial, the convening
55 authority shall make a detailed written statement, to be appended
56 to the record, stating the reason or reasons a military judge
57 could not be detailed.

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

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

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

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



73 **SECTION 4.** Section 33-13-419, Mississippi Code of 1972, is
74 amended as follows:

75 33-13-419. Decisions of the United States Court of * * *
76 Appeals for the Armed Forces and of the Courts of Review of the
77 Armed Forces of the United States shall be considered persuasive
78 authority but will not be regarded as binding precedent unless
79 adopted as such by the Mississippi Court of Military Appeals.

80 **SECTION 5.** Section 33-13-613, Mississippi Code of 1972, is
81 amended as follows:

82 33-13-613. (1) In the state military forces not in federal
83 service, the processes and sentences of its courts-martial shall
84 be executed by the civil officers prescribed by the laws of the
85 state.

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



98 **SECTION 6.** This act shall take effect and be in force from
99 and after July 1, 2016.

