

HOUSE BILL NO. 732

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

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

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

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

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

(b) A reprimand; or

- (c) A bad conduct discharge; or
- (d) Dismissal or a dishonorable discharge; or
- (e) Reduction of enlisted personnel to lowest pay

grade; or

- (f) Any combination of these punishments.

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

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

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

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

(b) A dishonorable discharge may not be imposed.

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

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

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

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

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

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

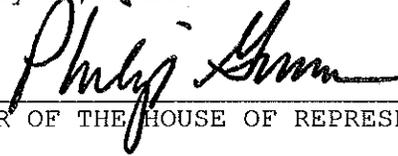
SECTION 4. Section 33-13-613, Mississippi Code of 1972, is amended as follows:

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

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

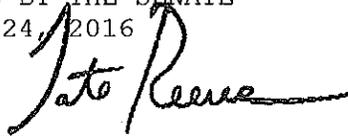
SECTION 5. This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 24, 2016



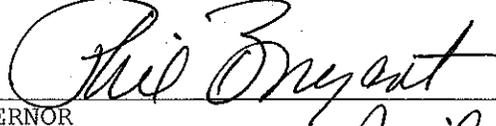
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 24, 2016



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

April 11, 2016
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