

Daniel George

From: Clarke, Ron G (MVA) <ron.clarke@alaska.gov>
Sent: Tuesday, April 12, 2016 12:27 AM
To: Daniel George
Cc: Weaver, Christopher J LTC USARMY NG AKARNG (US)
Subject: On Last Thing Tonight

Hi Daniel,

LTC Weaver is still looking at that longer version of Mr. Prieksat's memo to make sure we've covered everything.

Meantime, here are Col. Weaver's thoughts so far. Since Mr. Prieksat didn't number his points, LTC Weaver referenced the last three numbers to the sections of the bill he cites with a description of the issue, a summary of his issue, and then his response. For Mr. Prieksat's questions about Section .433 -- 12 person jury -- I think the AG's memo addresses that thoroughly, so we won't pile on here.

.444 -- Grand jury requirement -- This is redundant because we also have a military Article 32 hearing requirement in the bill for General Courts-Martial. Article 32 hearings are a little broader than Grand Juries in that they also provide a recommendation to the convening authority from a military officer. An example could be after hearing the evidence, this should be tried by Special Court-Martial instead of General Court-Martial.

.452(c) -- Who may serve on a Court-Martial. A prior version references .528, which is not applicable. He is correct, but this section was amended in House Judiciary. The CS now references the correct section.

.485 -- Statute of limitations for Nonjudicial Punishment. In prior versions, this section didn't make sense. It was amended in House Judiciary and this issue should be resolved now.

.528 -- Section references vacation and suspension, but HB 126 does not have a section regarding vacation and suspension.

.558 -- Pay and allowances. For courts-martial duty it would be 200% of federal pay. He recommends amending .260 on SAD pay. This for the most part should be taken care of, since we realized that we would use Title 32 funds for courts-martial and were able to zero our fiscal note. There's always the possibility of an ASDf court-martial, which would require state funds. I've never heard of a SDF court-martial and I think it would be very rare if it were ever done. But it is a good point for an SAD reform bill next session.

.614 -- Wrongful use or possession of controlled substance -- Lacks the word "wrongful" in the text of the section. This was amended in House Judiciary and the word wrongful is now in the section.

As you can see, Mr. Prieksat's concerns have been considered through the process and have been addressed by the latest version of the bill.

See you in Room 205...

Ron