

Alaska Code of Military Justice

HB 126 AND THE ALASKA NATIONAL GUARD

AK National Guard Funding



Key Points on HB 126 & ACMJ

- HB 126 serves as enabling statute for AKNG to develop and enforce ACMJ and Non-Judicial Punishment Regulation.
- HB 126 and enabling regulations will addresses constitutional requirements for Due Process.
- ACMJ is the correct mechanism to assist establishment of a healthy organizational culture and maintain good order and discipline.
- Courts-martial do NOT replace civilian criminal law enforcement; strictly address MILITARY OFFENSES.
- Number of courts-martial per year difficult to forecast; AK Guard predicts infrequent steady-state utilization (<1 per year in WA and OR).

Good order and Discipline

Courts-Martial, Non-Judicial Punishment
ACMJ

Alaska Criminal Law

Administrative Actions

Existing Relevant Law

1. Territorial Era Military Code

- Title 26 of Alaska Statutes
- Does NOT lay out specific offenses under a Code of Military Justice
- Minimal procedural or due process guidance

2. Federal Uniform Code of Military Justice (UCMJ)

3. Alaska state criminal code

Examples of Service-member Statuses

1. Title 32

- Traditional “weekend Soldiers/Airmen”
- Active Guard Reserve (AGR) → Full-time Guard status; salaries paid by federal, but commanded by state

2. Title 10

- Fully Federalized
- Iraq, Afghanistan, etc.
- Federal UCMJ

3. State Active Duty

- Digging out Cordova, e.g.
- Direct command of the governor

Applicable Law

AS Title 26

ACMJ

AS Title 11

AK Criminal Code



**Alaska
National
Guard**



USC Title 32

USC Title 18

US Criminal Code

**Federalized
Alaska
National
Guard**



USC Title 10

Federal UCMJ

**Active Duty
U.S. Military**



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Tools Required to Maintain Good Order & Discipline

1. Letters of Reprimand and other Administrative Actions
2. Administrative Separation
3. Alaska Criminal Law
4. Non-Judicial Punishment (suspension, fines, reduction in rank)
5. Courts-Martial under the ACMJ

Red = Established by HB 126 which enables ACMJ and NJP regulations

The Guard's Current Plan of Action

1. The Alaska Guard supports HB 126, and plans to work with its sponsors over the Interim.
2. AKNG will take account of findings and recommendations of special investigator.
3. AKNG will spend the interim developing the ACMJ and NJP regulation with input from the chain of command and collaboration with legislators.
4. AKNG will test drive/wargame scenarios under proposed code using a Commander's Action Group.

QUESTIONS?

For further questions or comments at a later date
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