

## Alaska Code of Military Justice

HB 126 AND THE ALASKA NATIONAL GUARD



## **AK National Guard Funding**

General Fund \$4,991.7 K

Federal Receipt Authority \$6,083 K

Direct Federal Payments \$262,352.6 K

\$53.78 Federal dollars received for every State dollar spent



## 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**

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

## State of Alaska Department of Military and Veterans Affairs

## 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

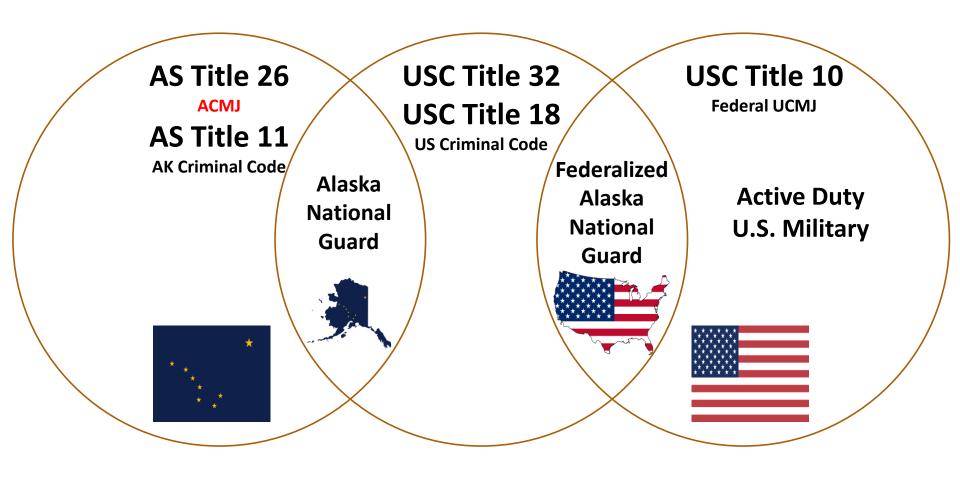
- Fully Federalized
- Iraq, Afghanistan, etc.
- Federal UCMJ

#### 3. State Active Duty

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



## Applicable Law





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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 please email <a href="mailto:forrest.dunbar2.mil@mail.mil">forrest.dunbar2.mil@mail.mil</a>