

ALASKA STATE LEGISLATURE

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HB 126 - Code of Military Justice; Appeals Explanation of Changes: Version G to Version S

Section 2. AS 26.05.140(a):

Page 2, line 7: delete "this" after "while in"

Section 26.05.444 Grand jury requirement.

Page 9, lines 9-10: delete "a district attorney or" after "attorney general,"

Section 26.05.452 Who may serve on a courts-martial.

Page 11, line 7: delete "under AS 26.05.528" after "judge"

Section 26.05.468 Investigation; preliminary hearing.

Page 15, lines 18-19: add "under AS 26.05.593, 26.05.620, 26.05.621, or 26.05.622"

Page 15, lines 20-21: add "of an offense under AS 26.05.593, 26.05.620, 26.05.621, or 26.05.622"

Section 26.05.485 Statute of limitations.

Page 18, line 11: add "before"

Page 18, lines 20-22, add "ordered by the President of the United States, and those operations actually prevented the discovery of the offending behavior or the timely brining of charges, as determined by a military judge at court-martial"

Section 26.05.488 Former jeopardy.

Page 20, lines 16-19: delete all section language and replace with: "Former jeopardy protections provided to a member of the militia are equivalent to those provided under art.1, sec. 9, Constitution of the State of Alaska, and under the Double Jeopardy Clause of the Fifth Amendment of the United States Constitution."

Section 26.05.513 Punishments; maximum limits.

Page 26, line 24: replace “authorized” with “imposed”

Page 26, lines 26-27: add “for which a sentence of confinement for a term of one year or less is imposed”

Section 26.05.581 Conspiracy.

Page 36, lines 12-15: delete “by up to one year of confinement, by separation with characterization up to dishonorable discharge, and by such other punishment as a court-martial may direct” after “punished” and insert “as a court-martial may direct, unless otherwise specifically prescribed. However, a court-martial may not direct a punishment for conspiracy to commit an offense that is greater than the maximum punishment for the offense.”

Section 26.05.594 Mutiny or sedition.

Page 40, line 21: delete “attempted mutiny,” after “of”

Section 26.05.498 Noncompliance with procedural rules

Page 41, line 10: add “knowingly and intentionally”

Page 41, line 14: delete “knowingly and intentionally” after “(2)”

Section 26.05.611 Drunken or reckless operation of a vehicle, aircraft, or vessel.

Page 44, line 30: delete “(1)” after “who”

Page 44, line 31: replace “careless” with “negligent”

Page 44, line 31-page 45, line 9: add “shall be punished by separation with characterization up to dishonorable discharge and by such other punishment as a court-martial may direct if the charge is for negligent operation or control, and by up to one year of confinement, by separation with characterization up to dishonorable discharge, and by such other punishment as a court-martial may direct if the charge is for reckless operation or control. A court-martial may not impose a sentence of confinement under this section if the charge is for negligent operation or control.

“(b) A member of the militia who operates or physically controls a nonmilitary vehicle, aircraft, or vessel”

Page 45, line 9: add “(1)”

Page 45, line 10: replace “(c);” with “(c),”

Page 45, line 10: replace “operates” with “operating”

Page 45, line 10: delete “is” after “or”

Page 45, line 13: replace “(c)” with “(d)”

Page 45, line 15: replace “(d)” with “(e)”

Page 45, line 20: replace “(b)” with “(c)”

Page 45, line 22: replace “careless” with “reckless”

Page 45, line 23: replace “(c);” with “(c),”

Page 45, line 26: replace “(c)” with “(d)”

Page 45, line 29: replace “(c)” with “(d)”

Page 45, line 29: replace “(a)” with “(b)”

Page 45, line 29: replace “(b)” with “(c)”

Page 46, line 16: replace “(d)” with “(e)”

Page 46, line 19: replace “(a)” with “(b)”

Page 46, line 21: replace “(e)” with “(f)”

Section 26.05.614 Wrongful use or possession of controlled substances.

Page 47, line 15: add “wrongfully”

Page 47, line 18: add “wrongfully”

Page 47, line 22: add “wrongful”

Section 26.05.617 Provoking speeches or gestures.

Page 48, line 20: add “(a)”

Page 48, lines 24-25: add “(b) A court-martial may not impose a sentence of confinement or a discharge under this section.”

Section 26.05.620 Sexual assault.

Page 49, line 17: replace “violates” with “would have violated”

Page 49, lines 17-18: add “had the sexual contact been a sexual act”

Section 26.05.623 Larceny and wrongful appropriation.

Page 54, lines 8-9: add “by up to six months of confinement, by separation with characterization up to a bad conduct discharge, and by such other punishment”

Section 26.05.624 Forgery.

Page 54, line 14: delete “who” after “(2)”

Section 26.05.634 General article.

Page 56, line 28: delete “assault, negligent homicide, and” after “to”