

02/09/16

Document

Collection:

Includes JASC

Annual Report

to Legislature;

HB 126

Documents;

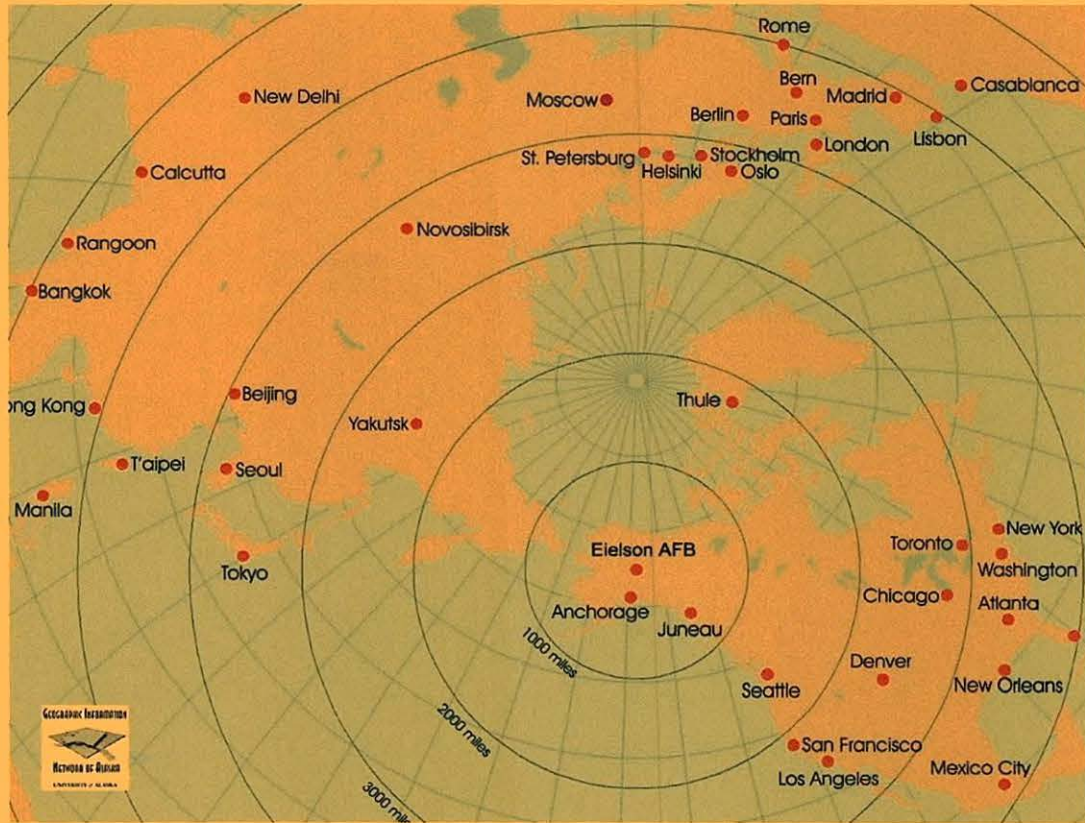
Committee

Correspondence

<TARGET><BILL>HB 126</BILL><SUBJECT>02-09-16 Document
Collection Includes JASC Annual Report to Legislature; HB
126 Documents; Committee
Correspondence</SUBJECT><COMM>JASC29</COMM></TARGET>

JOINT ARMED SERVICES COMMITTEE

29TH ALASKA STATE LEGISLATURE



FEBRUARY 9, 2016
1:00 p.m. to 4:00 p.m.
Senate Finance Room 532
JUNEAU, ALASKA

ALASKA STATE LEGISLATURE

JOINT ARMED SERVICES COMMITTEE

Co-Chair
Representative Gabrielle LeDoux
State Capitol, Rm. 118
Juneau, AK 99801
Phone: (907) 465-4998
Fax: (907) 465-2652
Rep.Gabrielle.LeDoux@akleg.gov



Co-Chair
Senator John Coghill
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Sen.John.Coghill@akleg.gov

Co-Chairs
Representative Gabrielle LeDoux
Senator John Coghill

FEBRUARY 9, 2016 JASC MEETING

AGENDA

- 1:00 p.m. Introduction of Committee and Agenda
- Lieutenant General Russell J. Handy, U.S. Air Force; Commander,
Alaska Command, U.S. Northern Command
- 2:00 p.m. Major General Bryan Owens, U.S. Army; Commanding General,
U.S. Army Alaska
- 3:00 p.m. Commissioner Laurie Hummel, Col. (R) U.S. Army; Adjutant
General, Alaska National Guard and Commissioner of the Alaska
Department of Military & Veterans Affairs.
- 3:30 p.m. Rear Admiral Daniel B. Abel, U.S. Coast Guard; Commander,
Seventeenth Coast Guard District.
- 4:00 p.m. Adjourn



BIOGRAPHY

UNITED STATES AIR FORCE

LIEUTENANT GENERAL RUSSELL J. HANDY

Lt. Gen. Russell J. Handy is Commander, Alaskan Command, U.S. Northern Command; Commander, Eleventh Air Force, Pacific Air Forces; and Commander, Alaskan North American Aerospace Defense Region, North American Aerospace Defense Command, Joint Base Elmendorf-Richardson, Alaska. General Handy is the senior military officer in Alaska, responsible for the integration of all military activities in the Alaskan joint operations area, synchronizing the activities of more than 21,000 active-duty and reserve forces from all services. He is also responsible for the planning and execution of all Homeland Defense operations within the theater, including security and civil support actions. General Handy also commands Eleventh Air Force, overseeing the training and readiness of five wings and Air Force installations located in Alaska, Hawaii, and Guam.

As Commander of the Alaskan Region of the North American Aerospace Defense Command, General Handy directs operations to ensure effective surveillance, monitoring and defense of the region's airspace.



General Handy was commissioned in 1983 through Officer Training School after graduating from Embry-Riddle Aeronautical University. He has held a variety of flying, staff and command assignments, including command of the 58th Fighter Squadron, Eglin Air Force Base, Fla.; 3rd Operations Group, Elmendorf AFB, Alaska; 33rd Fighter Wing, Eglin AFB; 57th Wing, Nellis AFB, Nevada; 9th Air and Space Expeditionary Task Force-Iraq and Joint Task Force Support Forces Antarctica. The general is a graduate of, and has been an instructor at, the U.S. Air Force Fighter Weapons School at Nellis AFB. He has also served at North American Aerospace Defense Command as Chief, Headquarters NORAD Advanced Programs, Peterson AFB, Colo., and as Director of Operations, Plans, Requirements and Programs and Chief of Staff, Headquarters Pacific Air Forces, Joint Base Pearl Harbor-Hickam, Hawaii.

General Handy is a command pilot with more than 3,600 flight hours, primarily in the F-15 and F-22A. He has participated in numerous combat operations and deployments, including operations Desert Shield, Desert Storm, Desert Fox, Southern Watch, Noble Eagle, Iraqi Freedom and New Dawn.

EDUCATION

1982 Bachelor of Science, Aeronautical Science, Embry-Riddle Aeronautical University, Daytona Beach, Fla.

1988 Squadron Officer School, Maxwell AFB, Ala.

1989 U.S. Air Force Fighter Weapons School, Nellis AFB, Nev.
 1995 Army Command and General Staff College, Fort Leavenworth, Kan.
 1995 Master of Science, Administration, Central Michigan University, Mt Pleasant, Mich.
 1996 Armed Forces Staff College, Norfolk, Va.
 2003 Air War College, Maxwell AFB, Ala.
 2003 Master of Science, Strategic Studies, Air University, Maxwell AFB, Ala.

ASSIGNMENTS

1. May 1983 - April 1984, student, undergraduate pilot training, Williams AFB, Ariz.
2. May 1984 - June 1984, student, fighter lead-in training, Holloman AFB, N.M.
3. July 1984 - December 1984, student, F-15 conversion training, Luke AFB, Ariz.
4. January 1985 - December 1987, instructor pilot and assistant Chief, Weapons and Tactics, 44th Tactical Fighter Squadron, Kadena Air Base, Japan
5. January 1988 - February 1988, student, Squadron Officer School, Maxwell AFB, Ala.
6. March 1988 - July 1991, Chief, Weapons and Tactics, 71st Tactical Fighter Squadron, Langley AFB, Va.
7. August 1991 - May 1994, instructor pilot, U.S. Air Force Weapons School; and flight safety officer, 57th Wing, Nellis AFB, Nev.
8. June 1994 - May 1995, student, Army Command and General Staff College, Fort Leavenworth, Kan.
9. June 1995 - May 1998, Chief, Headquarters NORAD Advanced Programs; and Chief, Aerospace Missile Defense Operations, Peterson AFB, Colo.
10. June 1998 - June 2002, Commander, 58th Fighter Squadron; Chief of Safety, 33rd Fighter Wing; and Director of Operations, 60th Fighter Squadron, Eglin AFB, Fla.
11. July 2002 - June 2003, student, Air War College, Maxwell AFB, Ala.
12. July 2003 - August 2005, Commander, 3rd Operations Group, Elmendorf AFB, Alaska
13. August 2005 - June 2006, Vice Commander, 1st Fighter Wing, Langley AFB, Va.
14. June 2006 - January 2008, Commander, 33rd Fighter Wing, Eglin AFB, Fla.
15. January 2008 - August 2010, Commander, 57th Wing, Nellis AFB, Nev.
16. August 2010 - December 2011, Commander, 9th Air and Space Expeditionary Task Force-Iraq, and Director, Air Component Coordination Element-Iraq
17. January 2012 - July 2013, Director, Operations, Plans, Requirements and Programs and Chief of Staff, Headquarters Pacific Air Forces, Joint Base Pearl Harbor-Hickam, Hawaii
18. August 2013 - present, Commander, Alaskan Command, U.S. Northern Command; Commander, 11th Air Force, Pacific Air Forces; and Commander, Alaskan Region, North American Aerospace Defense Command, Joint Base Elmendorf-Richardson, Alaska

SUMMARY OF JOINT ASSIGNMENTS

1. June 1995 - May 1998, Chief, Headquarters NORAD Advanced Programs; Chief, Aerospace Missile Defense Operations, Peterson AFB, Colo., as a major
2. August 2010 - December 2011, Commander, 9th Air and Space Expeditionary Task Force-Iraq, and Director, Air Component Coordination Element-Iraq, as a major general
3. August 2013 - present, Commander, Alaskan Command; Commander, Eleventh Air Force, Pacific Air Forces; and Commander, Alaskan Northern American Aerospace Defense Region, Joint Base Elmendorf-Richardson, Alaska., as a lieutenant general

FLIGHT INFORMATION

Rating: command pilot
 Flight hours: more than 3,600 military primary flight hours
 Primary major weapons systems: F-22A; F-15A/B/C/D/E

MAJOR AWARDS AND DECORATIONS

Air Force Distinguished Service Medal
 Defense Superior Service Medal
 Legion of Merit with two oak leaf clusters
 Distinguished Flying Cross
 Defense Meritorious Service Medal
 Meritorious Service Medal with oak leaf cluster
 Air Medal with three oak leaf clusters

Aerial Achievement Medal with four oak leaf clusters
Air Force Commendation Medal with oak leaf cluster

EFFECTIVE DATES OF PROMOTION

Second Lieutenant April 22, 1983

First Lieutenant April 22, 1985

Captain April 22, 1987

Major March 1, 1994

Lieutenant Colonel Sept. 1, 1998

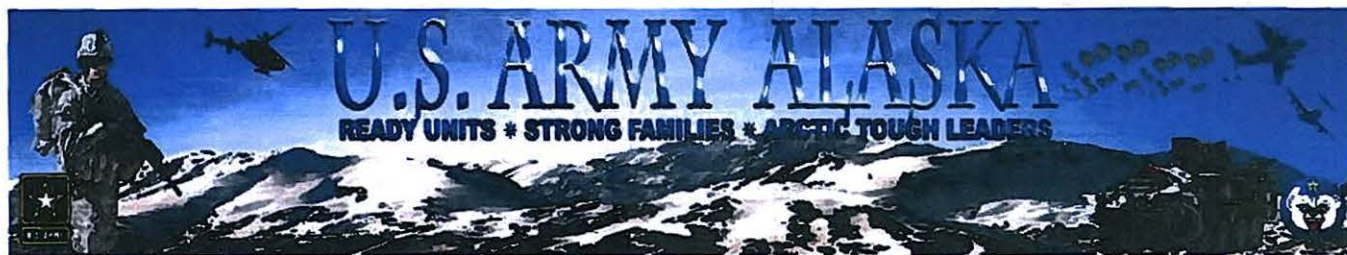
Colonel July 11, 2003

Brigadier General Dec. 9, 2008

Major General Jan. 6, 2012

Lieutenant General Aug. 9, 2013

(Current as of October 2015)



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Major General Bryan Owens Commanding General, U.S. Army Alaska



Major General Bryan Owens assumed command of U.S. Army Alaska on July 10, 2015 following his assignment at European Command as Director, J3.

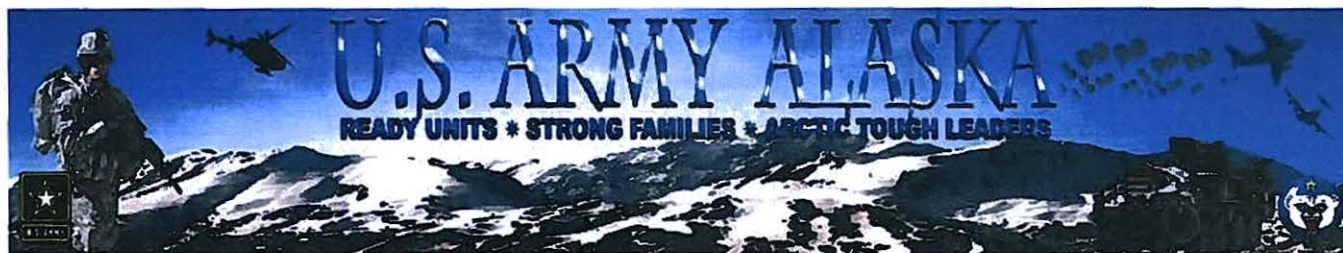
Prior to that, Major General Owens served as the DCOS OPS, HQ, Allied Rapid Reaction Corps, the DCG OPS (South), 25 ID in Iraq, Commandant of the United States Army Infantry School at Fort Benning, Georgia, and he has also served as the Chief of Staff for the Combined Arms Center at Fort Leavenworth, Kansas.

He was commissioned as a Second Lieutenant of Infantry through the ROTC Program at Indiana University of Pennsylvania where he graduated in 1983 as a Distinguished Military Graduate. His formal education is consistent with that of a career Infantry Officer and includes a Master of Science Degree from Central Michigan University in 1995 and a Master of Strategic Studies Degree from the United States Army War College in 2004.

Major General Owens has commanded Airborne Infantry units at the company, battalion, and brigade levels. His service as a staff officer includes tours as a battalion XO and a S3/G-3 at battalion, brigade, and division levels along with joint tours in USEUCOM, USPACOM and The Joint Staff in the Pentagon in Washington, DC. Tours in West Berlin, Germany, the Republic of Korea, Saudi Arabia/Iraq, Hawaii, Kosovo, and numerous stateside posts have afforded Major General Owens unique professional experiences and opportunities.

Duty in Operations JUST CAUSE, DESERT SHIELD/DESERT STORM, JOINT GUARDIAN, AMERICAN ASSIST (New Orleans post hurricanes Katrina and Rita), and IRAQI FREEDOM three times have given Major General Owens experience in joint and combined operations and warfighting.

Major General Owens has earned numerous awards and decorations, to include the Combat Infantryman Badge (2d award), Expert Infantryman Badge, Ranger Tab, Master Parachutist Badge, Air Assault Badge, Legion of Merit (with one Oak Leaf Cluster), Bronze Star Medal (with three Oak Leaf Clusters), Defense Meritorious Service Medal, Meritorious Service Medals (with two Oak Leaf Clusters), and the Joint Service Commendation Medal (with one Oak Leaf Cluster).



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U.S. Army Alaska

Key Leaders



Commanding General	Major General Bryan Owens
Deputy Commander - Operations	Colonel M. A. Frank
Deputy Commander - Sustainment	Colonel Shawn E. Reed
Command Sergeant Major	Command Sergeant Major Terry D. Gardner

Joint Base Elmendorf-Richardson

17th Combat Sustainment Support Battalion

Commander	LTC John Galvin
Command Sergeant Major	CSM Pamela Brown

4th Brigade Combat Team, 25th Infantry Div.

Commander	Colonel Scott A. Green
Command Sergeant Major	CSM Frank Hacker

Fort Wainwright

1st Stryker Brigade Combat Team, 25th Infantry Div.

Commander	COL Donn H. Hill
Command Sergeant Major	CSM David W. Bass

USARAK Aviation Task Force

Commander	COL Nicholas R. Snelson
Command Sergeant Major	CSM Kimberly Brown

Medical Activity Alaska (MEDDAC)

Commander	COL Dennis LeMaster
Command Sergeant Major	CSM Raymond Price

Dental Activity Alaska (DENTAC)

Commander	COL Simuel L. Jamison
Senior Dental NCO	MSG Brian Monroe

U.S. Army Garrison (Fort Wainwright)

Commander	COL Sean C. Williams
Command Sergeant Major	CSM Kevin M. King



State of Alaska > DMVA > DMVA Leadership

COL(R) LAURIE HUMMEL



The Adjutant General and Commissioner, Alaska DMVA

COL(R) Laurie Hummel is the Adjutant General of the Alaska National Guard, and the Commissioner, Alaska Department of Military & Veterans Affairs. In 2012, she retired from a 30 year active duty Army career at the rank of colonel. Daughter of a career Army sergeant and a third generation Soldier, she graduated from the U.S. Military Academy at West Point in 1982, the third class to contain women. For over 20 years she worked in the fields of tactical, operational, and strategic intelligence: 6 years in the 18th Airborne Corps, as operations officer for the intelligence battalion closest to Korea's Demilitarized Zone, and as Chief of Operations Intelligence, Alaskan Command, at Elmendorf Air Force Base.

With the opportunity to study toward a doctorate degree, she returned to Alaska to research the effects of the huge military investment made throughout Alaska during the Cold War era. This project allowed her to travel around the State, measuring the economic, demographic, and cultural changes during that time.

As a tenured professor by the Department of Geography and Environmental Engineering, she then taught cadets, led faculty, and developed curriculum at West Point. As a geographer with expertise in political demography and the geographical roots of terrorism, she was also a policy consultant to government agencies and other organizations. She was fortunate to join several missions in support of Operations Iraqi Freedom and Enduring Freedom: first as an advisor for a program using social and environmental science to help commanders in the field better understand cultural conditions and make smarter decision; then twice she served as an advisor to the leaders of the new National Military Academy of Afghanistan.

Upon her retirement from active duty, she and her husband returned to Alaska. They have two grown children and two grandchildren.

Employment history:

CL-Homes, owner, 2012-present

U.S. Army, retired at Colonel, 1982-2012

Senior Advisor, National Military Academy of Afghanistan: NATO Training Mission - Afghanistan: 2010 & 2011-2012

Academy Professor and Geography Program Director, Dept. of Geography & Environmental Engineering, US Military Academy (West Point): 2006-2010

West Point Fellow to US Army War College, Carlisle, PA: 2005-2006

Academy Professor, Dept. of Geography & Environmental Engineering, US Military Academy (West Point): 2003-2005

Director of Operations Intelligence and Chief, Joint Intelligence Support Element, Alaskan Command (Elmendorf): 1996-2000

Director of Operations, 102nd Military Intelligence Battalion, Republic of Korea: 1995-1996

Instructor; Assistant Professor, Dept. of Geography & Environmental Engineering, US Military Academy (West Point): 1991-1994

Company Commander; Intelligence Staff Officer; Human Resources Officer, 224th Military Intelligence Battalion (Aerial Exploitation), Hunter Army Airfield, GA: 1986-1989

Chief of Intelligence Plans and Production; Tactical Intelligence Officer; Communications Platoon Leader, 24th Infantry Division, Ft. Stewart, GA: 1983-1986

Previous public offices held: None

Previous unsuccessful runs for office: One, 2014 AK State Legislature – Representative from Anchorage

Postsecondary education:

Ph.D., Geography: University of Colorado (2002)

M.S.S., Strategy: U.S. Army War College (2006)

M.Ed., Educational Leadership: UAA (1999)

M.S., Geography: Penn State (1991)

B.S., U.S. Military Academy (1982)

Military service: Colonel, U.S. Army, active duty, 1982-2012; Military Intelligence

Spouse's name: Chad

Children: Kayleigh & Michael, two grandchildren



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Rear Admiral Daniel B. Abel

Commander, Seventeenth Coast Guard District
U.S. Coast Guard



Rear Admiral Daniel B. Abel assumed the duties of Commander, Seventeenth Coast Guard District in June 2014. He is responsible for all Coast Guard operations throughout Alaska which include protecting life and property, enforcing federal laws and treaties, preserving living marine resources and promoting national security. The Coast Guard's forces in Alaska total more than 2,500 active duty, reserve, civilian and auxiliary personnel, and employs 15 cutters, 52 boats, and 17 aircraft across an area of responsibility that includes portions of the North Pacific Ocean, Arctic Ocean and Bering Sea. Headquartered in Juneau, the District Commander provides operationally ready maritime forces to Coast Guard and Department of Defense Commanders for Coast Guard, joint and interagency operations both domestically and internationally.



In his previous assignment, Rear Admiral Abel commanded the First Coast Guard District. Headquartered in Boston, Massachusetts, he oversaw all Coast Guard operations across eight states in the Northeast encompassing more than 2,000 miles of coastline from the U.S.-Canadian border to New Jersey and 1,300 miles offshore.

Rear Admiral Abel's other assignments include Deputy Director of Operations for United States Northern Command. As the principal advisor to USNORTHCOM, Rear Admiral Abel provided leadership and counsel supporting strategic mission guidance; including homeland defense and security operations as well as defense support of civil authorities. As Commanding Officer of Air Station Cape Cod, he oversaw all aviation support to the Coast Guard's First District. He acted as Project Manager for "Rescue 21," leading the replacement of the outdated distress notification and command, control and communications system along the nation's 95,000 miles of coastline. Prior staff tours include serving as the Coast Guard's Chief of Aviation Safety and as a Program Reviewer crafting and defending the service's budget.

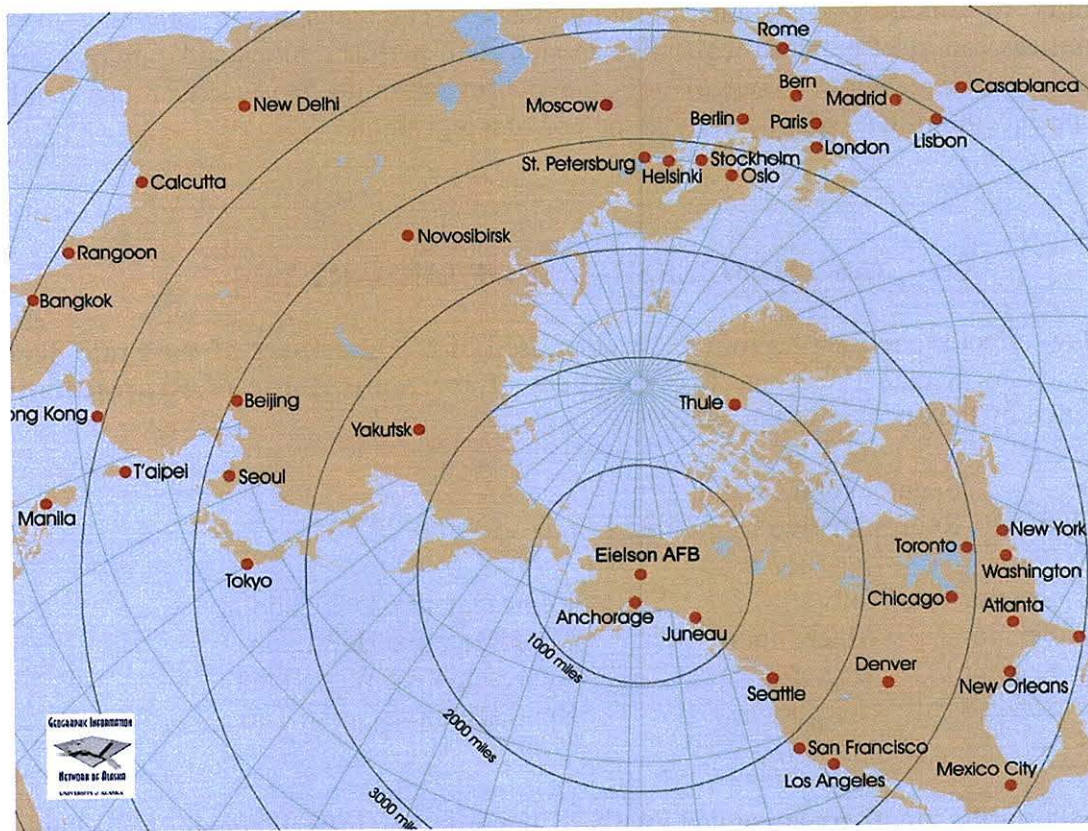
Other operational tours include command of Air Station San Francisco, Operations Officer for Air Station Houston, Aviation Training Center standardization/instructor pilot for the H-65 Dolphin helicopter and his initial aviation tour as a search and rescue/law enforcement helicopter pilot in Miami.

His education includes a Bachelor of Science in Civil Engineering, with High Honors, from the United States Coast Guard Academy in 1983. He also served as valedictorian of the College of William and Mary's Master of Business Administration class of 1994. In 2005, he was a distinguished graduate of the Industrial College of the Armed Forces (ICAF) earning a Master of Science in National Resource Strategy. While at ICAF, Rear Admiral Abel completed the Department of Defense Senior Acquisition Corps syllabus, and subsequently earned his Department of Homeland Security Acquisition Program Manager Designation. He has earned qualifications in both the H-65 helicopter and the HU-25 jet. His initial officer tour was as a deck watch officer aboard the Coast Guard Cutter Dauntless homeported in Miami Beach.

Rear Admiral Abel's personal awards include the Defense Superior Service Medal, three Legions of Merit, and two Meritorious Service Medals. Admiral Abel is also an Eagle Scout.

JOINT ARMED SERVICES COMMITTEE REPORT

29TH ALASKA STATE LEGISLATURE



JANUARY 19, 2016
JUNEAU, ALASKA

HISTORICAL SUMMARY OF JASC COMMITTEE

The Joint Armed Services Committee (JASC) was enacted in 1999 with the passage of HB 77 sponsored by then-State Representative Lisa Murkowski. The bill was passed just 49 days after it was introduced indicating the urgency the Legislature felt to protect Alaska's military installations from two new rounds of military base closures anticipated when the Base Realignment and Defense Reform Initiative was reestablished by Defense Secretary William Cohen.

JASC's effective date was July 1, 1999 and the committee was established as a "*permanent interim committee of the legislature.*" Article 2, Section 11 of the Alaska State Constitution established a legislative council as an interim committee and gave the legislature the authority to establish other interim committees. The constitution provides interim committees can meet between legislative sessions and perform duties and employ staff as enacted by the legislature. In other words, the interim committee exists longer than standing and special committees which expire at the end of a legislature.

JASC MEMBERSHIP, AS OF JANUARY 2016

The law directed the membership to be composed of **five members of the State Senate** appointed by Senate President, **five members of the State House of Representatives** appointed by the Speaker of the House:

Chair: Senator John Coghill
Co-Chair: Representative Gabrielle LeDoux

Senator Pete Kelly	Representative Dan Saddler
Senator Anna MacKinnon	Representative Bob Lynn
Senator Click Bishop	Representative Wes Keller
Senator Bill Wielechowski	Representative Geran Tarr

AND **six public members** appointed jointly by the presiding officers recommended by:

- The Alaska chapters of the major military service organizations; the Association of the United States Army, the Air Force Association, the Navy League of the United States, and the Marine Corps Association.
 - Chick Wallace, Civ. Aide to Army Secretary
- United States Coast Guard representatives

- All attempts to contact Chief Warrant Officer Kurt Brownlow, 17th Division, U.S. Coast Guard (retired) have been unsuccessful. JASC co-chairs Representative LeDoux and Senator John Coghill have sent a letter to Admiral Abel requesting he appoint a new representative of the U.S. Coast Guard for JASC.

- The Mayor of the Municipality of Anchorage
 - George Vakalis, Colonel, U.S. Army, Retired

- The Mayor of the Fairbanks North Star Borough
 - Tim Jones, Colonel, U.S. Army, Retired

- The Adjutant General
 - Tom Case, Lt. Gen, Air Force, Retired

- The Alaska Federation of Natives and the Alaska Municipal League –
 - Jake Lestenkof, Maj. Gen, AK Guard, Retired

(BIOGRAPHIES OF PUBLIC MEMBERS OF JASC ARE IN THE APPENDIX.)

ACTIVITIES OF JASC DURING 2014 and 2015

During 2014 the activities of the JASC were under the leadership of the Co-Chairs Representative Dan Saddler and Senator Pete Kelly. Co-chair Saddler and his staff were the point of contact for the committee in 2014.

During 2015 the activities of the JASC from January through March were under the leadership of the Co-Chairs Representative Lora Reinbold and Senator John Coghill; and from April through December of 2015 JASC was under the leadership of Co-Chairs Representative Gabrielle LeDoux and Senator John Coghill.



JASC Meeting February, 2015. (From Left to Right): Brigadier General Mike Bridges; Senator John Coghill, Adj. Gen. Laurie Hummel, Lt. General Russell Handy, Anchorage Mayor Dan Sullivan, Representative Lora Reinbold, JASC Staffer Elijah Verhagen, Bob Doehl, Lt. Col. Henry Schantz, Senator Bill Wielechowski, FNSB Mayor Luke Hopkins, Lt. Gen. Tom Case.

JASC REPORT FOR CALENDAR YEAR 2014

JASC MEETING – FEBRUARY 13, 2014

Co-chair Representative Dan Saddler convened the meeting by explaining the Joint Armed Services Committee (JASC) was established in the 1990s and its mission is to monitor and address potential realignments of military facilities in the state, to advocate for the missile defense system, to seek out ways to attract new missions to Alaska bases, and to support increased joint military training in Alaska's facilities. The mission is especially important as the nation faces tremendous budget pressures. Alaska's military services and agencies are essential to the national defense, our joint training and preparedness, our force projection, the safety of our people and the state's economy.

He said the committee would get an update from three of Alaska's military leaders: Lt. General Russell Handy, Commander of the Alaskan Air Command (and others), Maj. General Michael Shields, General of the U.S. Army Alaska, and Deputy Commander of the United States Alaska Command, and Maj. General Thomas Katkus, Commissioner of the Department of Military and Veterans Affairs.

SUMMER 2014 – FIELD TRIP TO FORT GREELY MISSILE DEFENSE SITE



Legislative members of JASC and staff visited Fort Greely Missile Defense Site on September 3, 2014. Ft. Greely currently has 26 interceptor missiles.

JASC members on the tour were Sen. Pete Kelly, Sen. John Coghill, Rep. Doug Isaacson, Rep. Dan Saddler, Rep. Eric Feige, Rep. Geran Tarr, Major General Jake Lestenkof, Retired, and Col. Timothy Jones, retired.

Heather Shadduck, staff to Senator Pete Kelly also attended the tour.

In 2002, after the United States withdrew from the Anti-Ballistic Missile Treaty, the U.S. Army relinquished direct Army control of Fort Greely and the Missile Defense Command took control of Fort Greely. In the summer of 2002 MDC began installing anti-ballistic missiles at Fort Greely. In December 2014, \$50 million was approved by Congress as an installment to a \$1.1 trillion spending plan to increase the number of interceptor missiles to 40 as part of a missile defense expansion plan.

AUGUST 24, 2014 – JASC LETTER TO U.S. ARMY ENVIRONMENTAL COMMAND:

JASC Co-Chairs Representative Dan Saddler and Senator Pete Kelly submitted a letter to the U.S. Army Environmental Command with comments on the U.S. Army's 2020 Force Structure Realignments Supplemental Programmatic Environmental Assessment (SPEA) specifying concerns about the Army's proposed Alternative I which would have significant negative impacts in Alaska and encouraging the Army to conduct a site-specific Environmental Impact Statement (EIS) to "thoroughly assess the significant negative impacts that would be created in the surrounding these installations, and the entire State of Alaska." The co-chairs offered the full cooperation assistance of the JASC in such an evaluation.

JASC REPORT FOR CALENDAR YEAR 2015

FEBRUARY 12, 2015 - GENERAL MIKE SHIELDS' MEET AND GREET

QUESTION AND ANSWER SESSION

Representative Saddler:

1. Is there a website where people can post comments or provide information in support of the upcoming listening sessions?

No, there isn't. The Army is asking for comments at the listening session and not through a website or e-mail.

2. What is the split between the Active Duty and Army National Guard when it came to reductions? What is the percentage of reductions that the Army National Guard is looking at?

This addresses only Active Duty forces. For any information about the National Guard, please contact them.

3. Are these reductions linked to continued sequestration? What is the long-term outlook?

Without relief from sequestration within the Budget Control Act of 2011 and sequestration-level caps in FY 16 and beyond, the Army will be required to further reduce Army end strength below 450,000 and likely to 420,000. If sequestration is lifted, reductions to 420,000 would not be required.

Senator Bishop:

1. Has the Army experience in Alaska benefited our operations in Afghanistan?

Yes. In particular, the Northern Warfare Training Center offers many training opportunities that are directly applicable to operations in other mountainous areas.

2. Senator Bishop requested some bullet points of the Army significance in Alaska so he could prepare comments for the listening sessions.

Alaska has a lot to offer the Army: strategic location; unparalleled training opportunities; community integration with military. However, the Army has to make difficult decisions about where to cut forces.

Senator Coghill:

1. What other things are important for the state to address on the importance of the Army in Alaska.

Alaska has a lot to offer the Army: strategic location; unparalleled training opportunities; community integration with military. However, the Army has to make difficult decisions about where to cut forces.

2. After thanking Maj. Gen. Shields on reduced road congestion from maneuvers, he asked, if the state can assist in any other ways to improve access to training lands? He commented on road access to bridge across to Delta.

We appreciate our great partnership with the state and are always willing to work on mutually beneficial initiatives.

3. Senator Coghill asked if our bases were responsible for the entire northern hemisphere relating to intelligence.

The collection of intelligence is achieved by many organizations, both joint and multinational. Our Army forces in Alaska do not have intelligence gathering as a primary focus.

Representative Reinbold:

1. Requested a flyer on listening session times and locations that can be provided to JASC members prior to February 17.

Flyer was provided on February 13. (Flyer is located in the Appendix of this report).

FEBRUARY 17, 2015 – JASC MEETING:

Representative Lora Reinbold chaired the meeting. JASC met and heard briefings from **Lieutenant General Russell J. Handy**, Commander of Eleventh Air Force, AK NORAD, and JBER; and **Adjutant General Laurie Hummel**, newly appointed Commissioner of the Department of Military and Veterans Affairs.

Lt. General Handy noted that in 1941 there were six mission-ready military aircraft in Alaska with 22,000 military men and women with “very poor command and control and no infrastructure.” With the recognition of Alaska’s strategic global position, the Alaska Highway was built in 1942.

There are now 32 military installations, 12 major installations, and about 72,000 active-duty, guard, reserve, and families in the state, along with 80,000 to 100,000 veterans. Lt. General Handy stated that one in five Alaskans have direct military involvement. The Department of Defense injects about \$1.5 billion a year into the Alaska economy, about 18 percent of the state’s economy.

Lt. General Handy noted NORAD is responsible for surveillance warning and aerospace control and said that Russian activity in the Arctic has increased and the Russians are building infrastructure and are considering ports and bases along the Arctic front to support

economic interests in oil and gas. While Russia is trying to demonstrate its global presence, Lt. General Handy said “the number of bombers and aerial refueling tankers is dwarfed by the capability of the United States Air Force.”

He said all the Air Force assets that are now “assigned on U.S. soil are under the Eleventh Air Force.” He said the Eleventh Air Force manages a number of facilities that contribute to readiness with two large operations and maintenance contracts managed by the Pacific Regional Support Center and run by Alaska Native corporations. He said the Air Force has a 10-year contract with ARCTEC to support the 15 long-range radar sites across the borders of Alaska for \$422 million. Chugach Federal Solutions manages a \$184 million contract for installation support at King Salmon Air Base, Eareckson Air Station, and Wake Island.

Lt. Gen. Handy discussed the Joint Pacific Alaska Range Complex (JPARC) and the vastness of the training space in Alaska with its nearest competitor in the Lower 48 being one-sixth the size of JPARC.

He discussed Eielson Air Force Base and its 63-year-old coal-fired combination heat and power plant. He said funding is in place to replace two of the boilers that need to be replaced. He said the good news for Fairbanks is that the U.S. Air Force announced that Eielson is the preferred alternative for the first overseas base for F-35. He said the record of decision on the environmental impact statement for the F-35 is planned for the summer of 2016 “to keep us on track for a first aircraft in 2019.”

Lt. General Handy also announced the Army is bringing a Gray Eagle UAV company to Alaska. He said the Gray Eagle is not just for readiness for combat, but is a powerful weapon system and can be used for disaster response.



Handy said there is a \$138 million earmark for the missile defense system in Alaska which is a partnership between the Missile Defense Agency, Space and Missile Defense, and the

Alaska National Guard. Part of that program includes decommissioning the Clear Air Force Station heat and power plant in October 2015.

Handy said the Alaska delegation does not want sequestration and that national security could use more money and predictability, but that the Budget Control Act of 2011 reemerges in 2016. He said from a military perspective he wants everyone to understand that there will be significant implications, because “most of what we’re looking at in 2016 assumes that we are not in sequestration.” Handy said the legislature could stress to Congress how big of an impact sequestration would have.

Senator Coghill asked how the Legislature could help with personal issues, like post-traumatic stress disorder (PTSD) and family problems when military personnel return home. Handy said one of the best ways to take care of these men and women is to ensure their families are cared for while they are deployed, including quality public school education for the children and helping teachers understand the needs of military kids.

Chairwoman Reinbold introduced newly appointed **Commissioner of the Department of Military and Veterans Affairs, Colonel Laurie Hummel**. Hummel noted that Alaska has a Dual Mission Force, with a state mission under Title 32 and they are sometimes called to federal status under Title 10. She said most Alaska guardsmen have been called to Title 10 missions “*time and time again.*”

She said the Air Guard is led by Brig. Gen. Tim O’Brien and the inbound Air Guard commander will be Col. Karen Mansfield. Alaska has two Air Guard wings: the 168th air refueling wing at Eielson runs the KC-135 tanker fleet and the Space Warning and Surveillance Squadron at Clear Air Station. The Air National Guard also has the 176th Wing at JBER which has broad responsibilities such as combat search and rescue, tactical and strategic airlift, air control, and rescue coordination.

Commissioner Hummel said the Alaska Military Youth Academy is partnered with the National Guard, and it is consistently in the top five Challenge programs in the country. She said a study conducted found that every dollar invested in these programs yields considerable savings in societal costs.

The commissioner said she hopes to increase rural outreach by bringing division representatives to rural exercise missions, improving public relations, and connecting better to veteran service organizations, including national offices. She said many female veterans do not think of themselves as veterans and or having access to those services.

Commissioner Hummel addressed the timeline for investigating potential misconduct and malfeasance with the Alaska National Guard by the federal Office of Complex Investigations (OCI).

Hummel guaranteed that leadership will take the OCI report and Judge Patricia Collins’ special investigation and use them “in every possible manner to increase the capacity of the National Guard and to build and/or rebuild an effective command climate.” There were five areas noted in the OCI report that were turned over to internal teams, and the sixth issue was a finding of fraud and was addressed in an external federal audit.

She said there is a new special victim counsel on staff, loaned from the National Guard Bureau, and she deals exclusively with sexual assault victims. She stated although all of the results are not in, no illegal activity was found, but there were administrative mistakes in accounting.

Hummel identified the need for additional legal assistance within the guard. The Judge Advocate General (JAG) officers and attorneys are overworked in a stressful environment. She said she has requested help from the National Guard Bureau with temporary help or preference at paralegal schools to fill empty slots. The bureau is very receptive, she added.

In conclusion, the commissioner said she is also focused on getting the state code of military justice into statute and hiring someone to coordinate that effort with the legislature.

Co-Chair Reinbold invited Fairbanks North Star Borough Mayor Luke Hopkins to address JASC and explain to them the "Tiger Team". Mayor Hopkins said when the downsizing issues came around, which included moving F-16s, the Tiger Team was created to include members of Congress, the assembly, the Alaska State Legislature, and non-elected officials to meet every week. The assembly provided funds for studies and consultants.

He said while there is a level of comfort the F-35s will be stationed at Eielson AFB, there is still work to be done so the Tiger Team will continue meeting. He reminded the committee Alaska is in competition with other states for forces and expenditures and the Tiger Team is continually bringing up issues of how to respond to the needs that they think the Fairbanks North Star Borough should have and serve the military.

FEBRUARY 23 - 24, 2015 – U.S. ARMY COMMUNITY LISTENING SESSIONS

In January, the U.S. Army announced it was continuing to reduce its active-duty end-strength from a war-time peak of 570,000 to 450,000 by the end of FY2017, a cumulative reduction of 120,000 Soldiers. If sequestration level cuts are imposed in FY2016 and beyond, end-strength would be further reduced to 420,000 Soldiers by FY19, a cumulative loss of 150,000 Soldiers. Thirty installations across the United States were being evaluated for potential reductions.

The loss of a brigade at JBER could total 5,000 troops and 9,000 dependents – a total of 14,000 in population, as well as Department of Army civilians at JBER. That's 4.5 percent of Anchorage's total population. Army payroll in Anchorage is \$500 million, not including the civilian payroll. Source: Anchorage Economic Development Corporation (AEDC)

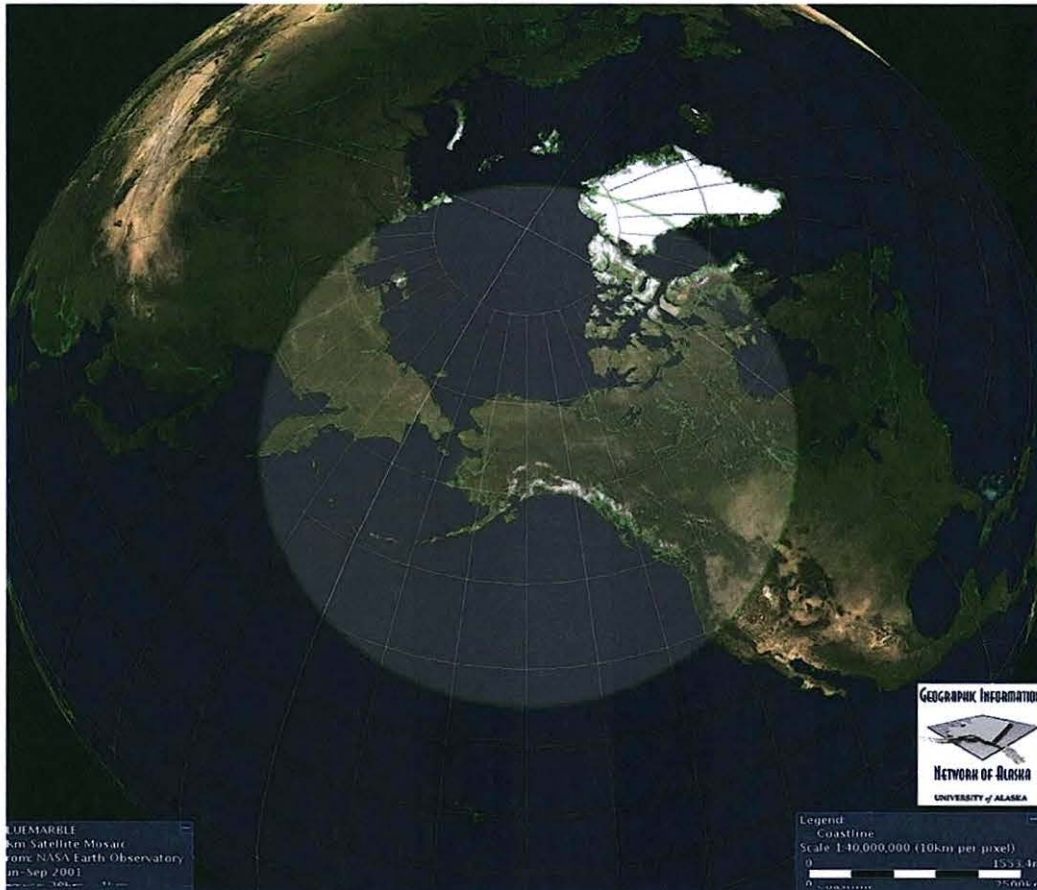
Fort Wainwright was facing a potential loss of up to 5,800 Soldiers and Department of Army civilians. Such a cut would leave the base's workforce at 1,600. Almost twenty-five percent of the population is military or military dependent in the Fairbanks North Star Borough. (Source: "Programmatic Environmental Assessment for Army 2020 Force Structure Realignment" by the U.S. Army released July 2014)

In a worst-case scenario, the main Army units of both JBER and Fort Wainwright could be cut, forcing the departure of as many as 10,800 troops and 19,000 dependents within a year and a half. That would amount to a loss of about 4 percent of the state's total population.

Twenty-eight out of 40 members of Alaska's House of Representatives and fourteen of 20 members of the Alaska State Senate will potentially see their districts be directly affected by Army force structure reductions.

At the listening sessions, the Department of Army provided a brief overview of the stationing decision process; however, the primary purpose was to give members of the communities an opportunity to provide comments and input.

Representative Reinbold attended the Anchorage listening session. Senator Coghill, Senator Bishop, and Reinbold staffer Elijah Verhagen attended the listening session in Fairbanks. Senator Coghill submitted written testimony and testified at the Fairbanks listening session.



The theme of the written and oral testimony submitted by members of JASC was that ***“ALASKA IS VERY IMPORTANT STRATEGICALLY TO AMERICA’S MILITARY.”***

Alaska, using northern routes, connects three continents. Army personnel in this state can get to many places around the globe very quickly. That means our soldiers can either “make

things happen” or “prevent bad things from happening” in very quick order. Alaska gives the U.S. military a big advantage, especially in the Pacific.

Recent geopolitical issues like emerging military power of China, Russia’s reestablishment of Arctic military bases and the growing importance of the Arctic as a military arena continue to make Alaska bases strategically important.

The proximity of infrastructure to Alaska’s bases, such as the Alaska Railroad and the Port of Anchorage, provide for easy transportation of heavy equipment. Major airfield runways provide for quick deployment.

Eielson AFB is strategically superior considering that aircraft deployed from the base can reach 95 percent of the world’s industrialized nations within 9 hours. The Eielson-based KC-135’s are continually on short-notice alert in support of interceptors defending our airspace.

The State of Alaska is a strong partner with the Department of Defense. The State built the bridge over the Tanana River, expanded access to Point MacKenzie and eventually to JPARC, and share valuable air space for additional training.

Alaska is a premiere training ground for U.S forces and our allies

The Joint Pacific Alaska Range Complex (JPARC), which is the largest military training area in the United States, consists of all the land, air, sea, space and cyberspace used for military training in Alaska, providing unmatched opportunities for present and future Service, joint, interagency and multinational training.

Today, the JPARC is comprised of approximately 65,000 square miles of available airspace; 2,490 square miles of land space with 1.5 million acres of maneuver land; and 42,000 square nautical miles of sea and airspace in the Gulf of Alaska. The JPARC provides a realistic training environment and allows commanders to train for full spectrum engagements, ranging from individual skills to complex, large-scale joint engagements.



Each year, thousands from the U.S. military services, federal, state and local agencies, allied nations and nongovernmental organizations receive training in JPARC. In addition to home-station training for Alaska-based units and smaller unit training events, JPARC hosts three to four large-scale exercises annually.

The total approximate acreage for maneuverable training grounds of JPARC is more than 1.5 million acres, which is bigger than the state of Delaware. Our training areas have multiple advantages include: year-round accessibility; joint-live fire; live-virtual-construction instrumented architecture for brigade-level training; and support for all conventional weapons systems

Fort Wainwright has been ranked the Army's No. 1 Post for maneuverability (Source: BRAC reports). The State helped pay to build the Tanana Bridge, finished in 2014, which provides dependable, year-round access to the JPARC.

As the military focuses on the Pacific (and increasingly the Arctic), Alaska can provide training opportunities for valuable allies. Expanding Arctic partnerships include those with Norway, Finland, Sweden and Denmark. Other partnerships include those with Japan, Canada, India, Nepal, Mongolia, and Bangladesh. (Source: Letter from Senator Coghill to General Odierno)

Alaska has a strong system of benefits and rewards for military personnel.

There are special, state-funded veterans' benefits in education, home loans, land purchases, and municipal property tax exemptions. The legislature has passed legislation providing special tax credits for employers who hire veterans and for free hunting and fishing licenses for resident veterans with service-related disabilities along with free camping in state parks and one-year free passes on state ferries. The Alaska Railroad offers a 20 percent discount to veterans and active military. A large sector of private businesses in the Southcentral and Interior Alaska offers discounts and special services to military members and veterans.

APRIL 9, 2015 – COAST GUARD FIELD TRIP - JUNEAU

Legislative members of JASC and their staff were invited on a two-hour tour of the Coast Guard command center. Participants were allowed to wear Mustang suits and to board the patrol boat for a short ride and explanation of how the Coast Guard boards smaller boats from the patrol boat. They received a demonstration on the firearms equipped on the boat necessary for drug interdictions.



Legislators and staff get tour of Juneau U.S. Coast Guard facilities and try out the mustang suits. 3rd from the left to the right: Joe Byrnes; German Baquero; Representative Gabrielle LeDoux; Chad Hutchison; Representative Bob Lynn; Lisa Vaught.

2015 TIGER TEAM MEETINGS

Chad Hutchison from Senator John Coghill's office regularly attended the Tiger team meetings. Brittany Hutchison of Senator Click Bishop's office intermittently attended Tiger Team meetings, as well. The Tiger Team is a group of interested parties including local city councils, mayors, borough assembly, legislators and staff, Congressional delegation staff, military representatives, Fairbanks Economic Development Corporation, and interested private citizens who meet on a regular basis to discuss issues and events that impact military activities in Interior Alaska. They also discuss ways to improve the infrastructure and enhance communications with the military in the Interior and statewide.

Tiger Team helped organize testimony for the two listening session held by the Department of Army in Fairbanks on February 23rd and 24th of 2015. The Tiger Team has previously been involved in providing input and public testimony for relocation of the Stryker Brigade, the F-16's, the F-35's, the Eielson BRAC proceedings, JBER's restructuring, and placement of the Gray Eagles at Fort Wainwright.

Meetings attended by Chad Hutchison occurred on Feb 6th, 20th, & 27th; March 20th; April 3; May 29th; June 12th; July 10th & 24th; August 7th & 21st; September 18th; October 16th; and December 4th.

JUNE 8, 2015 – COAST GUARD FACILITY TOUR – CORDOVA



On June 8th, Representative LeDoux and chief-of-staff Lisa Vaught were invited to tour the seasonally-open U.S. Coast Guard Aviation Support Facility in Cordova.

They learned about the essential search and rescue services that the Coast Guard provides to Alaska's fishing fleet between April and September. They also learned that the U.S. Coast

Guard is not funded by the Department of Defense and therefore not threatened by the same types of cuts proposed at JBER and Fort Wainwright.

JUNE 15 - 26, 2015 – NORTHERN EDGE 2015 – ANCHORAGE

Northern Edge is a joint training exercise between all of the services, designed to increase force preparedness in crises in the Asia Pacific region. The training included large force exercises, joint live fires, and search and rescues missions. On the final day of Northern Edge, JASC members Representative LeDoux and Representative Saddler observed a mass aircraft launch of various aircraft types departing for the JPARC. They also observed flight operations through air combat maneuvering instrumentation and toured the USS Shoup, a Navy destroyer in Alaska for Northern Edge.

JULY - DECEMBER, 2015 – BEAR WORKING GROUP – ANCHORAGE

In response to the proposed force reduction at JBER, Mayor Ethan Berkowitz of Anchorage organized the Base Economic Analysis Review Group (BEAR). The BEAR working group was formed in July to identify the economic challenges and adverse impacts faced by the Municipality of Anchorage, as a result of losing 2,600 soldiers and their families.

Mayor Berkowitz appointed Representative LeDoux to this task force, recognizing her experience with military issues as co-chair of JASC and as a representative of a military district. Representative LeDoux and staff attend monthly.

Since the decision to reduce JBER troops was put on hold, the BEAR group has continued to meet and aims to strengthen ties between the military and civilian residents of Alaska. It also recognizes the future threat of Defense drawdowns in Alaska and continues to work with our federal delegation to avoid these potential cuts.

AUGUST 3 - 6, 2015 – NCSL LEGISLATIVE SUMMIT – SEATTLE, WA

Members of JASC Representative LeDoux and Representative Saddler, along with their staff, attended a half-day meeting of the National Conference of State Legislatures military and veterans' affairs task force. The topics covered included military suicide prevention, veteran employment in the private sector, and state support of female veterans. Particularly relevant to Alaska was a discussion on defense budget cuts and available resources for states and communities facing cuts to their local military installations.



FINANCIAL REPORT for 2014 and 2015

With recent reductions in general fund income, the legislature is exercising budget restraints that affect all areas of the legislature's budget. This has resulted in a change in the funding of the Joint Armed Services Committee which puts at risk the ability for the committee to pay for per diem for the public members of the committee.

FY '13 was funded at a rate of \$92,900 and the total expenditures were \$20,010.96.

FY '14 was funded at a rate of \$94,700 and the total expenditures were \$33,889.90.

FY '15 was funded at a rate of \$95,000 with total expenditures of \$17,480.

FY '16 was funded at a rate of \$12,700 and total expenditures to date are \$12,197.82. There is a current balance of \$502.18.

CURRENT STATUS OF MILITARY INSTALLATION REVIEWS IN ALASKA

Chad Hutchison, staff to Senator Coghill, communicates with Jason Suslavich in Senator Sullivan's office and Nate Bergerbest in Senator Murkowski's office concerning the status of military operations in Alaska through Tiger Team meetings.

Military personnel at Fort Wainwright are anticipated to be reduced from 6,755 to 6,708. The reduction was mitigated with the anticipated arrival of the Gray Eagle drones and the AH-64 Apache attack helicopters starting in July 2015.

In April of 2015, General Mark Milley, Chief of Staff of the Army, agreed that there's a lot of work that needs to be done, before a decision can be made on whether or not to reduce U.S. Army forces in Alaska. An Operational/Operations Plan (OPLAN) focusing Arctic activities is being produced and force reductions have been put on hold at JBER until a thorough review is completed.

APPENDIX

Biography of Public Members of JASC

Correspondence of JASC:

JASC letter Comments on U.S. Army's 2020 Force Structure Realignment
Supplemental Programmatic Environmental Assessment (SPEA)
Memo to Presiding Officers Appointing George Vakalis
U.S. Army Listening Session Flyer
Letter from Sen. Lisa Murkowski to Gen. Odierno
Letter from Senator Coghill to John McLaurin, Deputy Director
Force Management
Letter from Mat Su Delegation to Gen. Odierno, John McLaurin, and
U.S. Army Environmental Command
Letter from Sen. Dan Sullivan to Gen. Odierno
Letter from AK Delegation to Sec. John McHugh and Gen. Odierno
Letter to Sen. Murkowski from Lt. Gen. Huggins, Jr.
Letter from Senator Coghill to Dept. of Army – Request under the Freedom
of Information Act - Army
Letter from Representative LeDoux to F-35A Pacific Operational Basing
EIS

BIOGRAPHY OF PUBLIC MEMBERS OF JASC

LIEUTENANT GENERAL TOM CASE – RETIRED

Tom Case, a retired 3-star Air Force Lt. General, has spent more than 16 years in Alaska. His work history in Alaska includes two Air Force tours of duty, five years as dean of UAA's College of Business and Public Policy (CBPP) and three years as president and chief operating officer of a state-owned, independently operated Aerospace Corporation.

A 1969 graduate of the U.S. Air Force Academy, Tom began his 33-year military career flying in Vietnam. Later, Tom served at the Pentagon, was selected as the first Air Force Chief of Staff Chair on the faculty of the National War College, and eventually went on to command two fighter wings force and the Alaskan Command. He also served as deputy commander and chief of staff for the United States' two largest geographic joint combatant commands.

Tom has a Master of Science degree in Systems Management from the University of Southern California, a Bachelor of Science from the U.S. Air Force Academy, as well as additional education from the National War College, the U.S. Army Command & General Staff College, the Air War College, and Emory University's Advanced Management Program.

COLONEL TIMOTHY A. JONES – U.S. Army Retired

Colonel Tim Jones, retired, was appointed to JASC in Feb, 17, 2012, replacing Bill Brophy as the committee member serving on behalf of the Fairbanks North Star Borough. He is Director of Administration for Doyon Utilities, LLC, a position he has held since November 2011. He took his position with Doyon Utilities after serving 27 years with the U.S. Army.

Colonel Jones is a 1984 graduate of the United States Military Academy and holds post-graduate degrees in Administration and National Strategy. He served in a variety of assignments in both conventional and special operations forces, including combat commands in Panama, Iraq, and Afghanistan. His awards and decorations include the Legion of Merit, Bronze Star for valor, the Air Medal, Master Army Aviator badge, and the Purple Heart.

Colonel Jones' final assignment in his military career was serving as garrison commander at Fort Wainwright from where he retired as a colonel.

MAJOR GENERAL JAKE LESTENKOF – RETIRED

Major General Lestenkof served in the Army National Guard, as Adjutant General of Alaska. He was also the Federal Regional Director of the Bureau of Indian Affairs for Alaska, in addition to the Deputy Commissioner of Alaska's Department of Regional and Community Affairs.

Major General Lestenkof is noted as highest ranking military officer of Native heritage and is a retired member of the Federal Senior Executive Service.

Major General Lestenkof graduated from Mt. Edgecumbe High School in Sitka. He served in the U.S. Army National Guard from 1959 through 1974 and achieved the rank of Colonel. His service includes posting as Staff Assistant for the Alaska Department of Military Affairs, and 2-1/2 years as Alaska Representative for the Alaska Command/Joint Chiefs of Staff worldwide exercises. His training included U.S. Army Command and General Staff College and the U.S. Army War College. He was awarded Meritorious Service Medal, Army Commendation Medal, Alaska State Commendation Medal, and the Korean Presidential Unit Citation.

COLONEL GEORGE VAKALIS – RETIRED

Colonel Vakalis, retired, joined the U.S. Army in August 1966 as an enlisted soldier. After attending Infantry Officer Candidate School, he was commissioned as a Second Lieutenant of Infantry in July 1967. He served tours in Germany; Republic of South Vietnam; Fort Bragg, North Carolina; Fort Knox, Kentucky; Fort Leavenworth, Kansas; Fort Jackson, South Carolina; Fort Benning, Georgia; Fort Dix, New Jersey; Fort Lewis, Washington; Fort Ord, California; Presidio of San Francisco, California; Little Rock Air Force Base, Arkansas; and two tours at Fort Richardson.

Colonel Vakalis concluded his 28-year Army career as a Colonel with assignment as the Garrison Commander, U.S. Army Garrison, Alaska, where he was in charge of the three Army posts in Alaska and all aspects of their operations.

After retirement from the Army, Colonel Vakalis served as the Operations Manager for the Municipality of Anchorage; Assistant Superintendent for Support Services, Anchorage School District; and Municipal Manager of Anchorage.

COL. Vakalis has served as a member of the Armed Services YMCA Board and Senator Ted Stevens' task force on Housing for Military Members in Alaska. In addition, he is currently a member of the Association of the United States Army. He has chaired the Military Committee for the Anchorage Chamber of Commerce since 1993, and is a member of their Executive Committee.

COL. Vakalis is a graduate of the University of New Hampshire with a Bachelor of Science Degree in Business Administration and holds Masters Degrees in Personnel Management, and Public Administration from Central Michigan University. He is a 1992 Inductee in the

U.S. Army's Infantry Officer Candidate School Hall of Fame, and has been a resident of Anchorage for nearly 31 years.

CHARLES "CHICK" WALLACE

Charles (Chick) Wallace and his wife, Carolyne, left Texas in 1972 to accept a 3-year stint with the University of Alaska Fairbanks. Forty-three years they still make Fairbanks their home. In addition to being a long-time Fairbanks realtor, Chick Wallace is the civilian aide to the secretary of the Army (CASA) in Interior Alaska, serving as a liaison between the community and the Department of the Army. Chick Wallace was selected as CASA in 1997, after being the president of the Polar Bear chapter of the Association of the United States Army. His official role is to "provide individual advice to the secretary of the Army, the chief of staff, Army and commanders at all levels on public sentiment toward the Army," and to "disseminate information about the Army's objectives, roles, requirements and major programs to the public through public speeches, personal contact and other means." (Army Regulation 1-15)

ALASKA STATE LEGISLATURE JOINT ARMED SERVICES COMMITTEE

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August 24, 2014

U.S. Army Environmental Command
ATTN: SPEA Public Comments
2450 Connell Road (Building 2264)
Joint Base San Antonio-Fort Sam Houston, TX 78234-7664

Dear Sirs;

The Joint Armed Services Committee (JASC) of the Alaska State Legislature appreciates the opportunity to submit its comments on the U.S. Army's 2020 Force Structure Realignment Supplemental Programmatic Environmental Assessment (SPEA).

JASC is the legislative authority in Alaska responsible for, among other things, addressing potential realignments of military facilities and missions in our state. As such, we have tremendous concerns with the SPEA and the potential it holds for reductions or restructuring of U.S. Army facilities in Alaska, specifically Joint Base Elmendorf-Richardson (JBER) and Fort Wainwright (FTW).

We expressed our concerns with the original PEA in comments submitted to Secretary of the Army John McHugh and Army Chief of Staff Gen. Raymond Odierno on March 20, 2013 and stand by those comments. The Army's decision to supplement that document in light of new national fiscal constraints offers the opportunity to restate our concerns, and to expand on them in a few regards.

We continue to believe that JBER and FTW are uniquely valuable Army assets that should be retained, if not enhanced, given the advantages they offer in terms of geopolitical positioning, training opportunities, and civilian support. We also have grave concerns about the potentially devastating impacts on our state, our people and our economy, should the more drastic force realignments contemplated in Alternative 1 come to pass.

Alaska's position on the globe make JBER and FTW tremendously valuable installations to the Army, safely located in North America, yet optimally located to position forces for a quick and flexible response anywhere in the world. The 4-25th Brigade Combat Team (Airborne) at JBER

is a high-value asset that is ideally positioned to meet contingencies on the Pacific Rim. Similarly, FTW is thousands of miles closer to Beijing, Honolulu and Pyongyang than military facilities on the U.S. West Coast. With the political and military uncertainty in the Asian region, it is important that the Army maintain these forward-positioned assets.

JBER and FTW also offer unparalleled training and maneuver opportunities. FTW possesses almost 20 percent of the Army's U.S. maneuver training lands capacity. Of these 1.6 million acres of range and training land, Alaska's Joint Pacific Alaska Range Complex (JPARC) is a national treasure, providing more than 60,000 square miles of unencumbered land, air, and sea military training space. JPARC remains the only place in the U.S. where all four branches of the military can simulate the most complex joint maneuvers that prepare our Total Force to fight and win the battles of the future. The value of Alaska for military training was highlighted again recently when the Air Force announced its preliminary decision to base two squadrons of the F-35 Joint Strike Fighter at Eielson Air Force Base in Interior Alaska, in no small part because of the advantages of Alaska as a premier military training region.

JBER and FTW also enjoy a long history of unsurpassed support and cooperation from civilian and government authorities in Alaska. This includes support on quality of life issues in the form of easy access to outdoor recreational opportunities for active duty soldiers and airmen, as well as laws improving employment and education opportunities for military members and their families, plus numerous programs supporting veterans.

Alaska also understands the military's need to operate bases economically and efficiently. The State Legislature has recently created military facilities zones to boost the economics of Alaska communities "outside the fence," is creating a natural gas supply and distribution system in Fairbanks to lower energy costs for residents, and is advancing a large-scale natural gas pipeline project that would deliver secure supplies of lower-cost fuel to both bases for decades. Most recently, the state completed a bridge across the Tanana River -- a project to which the state contributed almost \$90 million -- to help provide safe and reliable access for soldiers and their equipment for training on Army maneuver areas in Interior Alaska.

We strongly encourage the Army to consider the new training elements that can be utilized at JBER and FTW. The addition of a Military Operations in Urban Terrain (MOUT) range at JBER, for example, would provide live, virtual, and constructive training for environments the 4th BCT would likely face when deployed. Recent national homeland security directives and strategic military planning have focused on the importance of the Arctic Ocean and bordering land. FTW is the only location where Army troops and supporting forces can train in realistic conditions for operations in Arctic regions around the world, and creation of a National Training Center for Arctic Conditioning at FTW would address a key homeland security training need. As force structure adjustments are studied and approved, we are confident the unique and strategic offerings of the Army's Alaska forces and installations will be seen as integral to the Army's future training needs and missions.

As the SPEA documentation implies, the Army's proposed Alternative 1 would have significant negative economic impact in the region in all categories of support, including housing, education, health care, and would reduce the State's ability to sustain capital investments and improvements like the Tanana Bridge and natural gas financing packages.

The Joint Armed Services Committee requests that, if the Army considers actions at either JBER or FTW that would result in the loss of soldiers and family members, it conduct a site-specific Environmental Impact Statement (EIS) to thoroughly assess the significant negative impacts that would be created in the area surrounding these installations, and the entire State of Alaska. The Committee will be glad to offer its full cooperation and assistance in this process.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "Dan Saddler". The signature is written in a cursive, slightly slanted style.

Rep. Dan Saddler, House Co-Chair

A handwritten signature in blue ink that reads "Pete Kelly". The signature is written in a cursive, slanted style with a long, sweeping underline.

Sen. Pete Kelly, Senate Co-Chair

ALASKA STATE LEGISLATURE

JOINT ARMED SERVICES COMMITTEE

Rep. Reinbold
State Capitol, Room 432
Juneau, AK 99801-1182
Phone - (907) 465-3822



Official Business

Senator Coghill
State Capitol, Room 119
Juneau, AK 99801-1182
Phone - (907) 465-3719

MEMORANDUM

TO: Senate President Kevin Meyer
Speaker of the House Mike Chenault

FROM: Rep. Lora Reinbold, Co-Chair *LR*
Senator John Coghill, Co-Chair *JC*
Joint Armed Services Committee

DATE: January 22, 2015

RE: Appointment of JASC public members

In accordance with AS 24.20.650, the Joint Armed Services Committee of the 29th Alaska State Legislature respectfully requests that George Vakalis be appointed as a new public member representing the Municipality of Anchorage.

If you have any questions, please contact the office of Representative Reinbold at (907)465-3822.



U.S. Army Community Listening Sessions

Anchorage

Monday February 23, 2015

6:00 p.m. – 8:00 p.m.

Dena'ina Conference Center, Third Floor
600 West 7th Avenue

Fairbanks

Tuesday February 24, 2015

5:30 p.m. – 8:00 p.m.

Carlson Center
2010 2nd Avenue



U.S. Army Community Listening Sessions

Major General Michael Shields, U.S. Army Alaska Commanding General, and Headquarters, Department of the Army staff members invite everyone to the Anchorage and Fairbanks listening sessions, as part of the Army's overall analysis and community outreach program before force structure and stationing decisions are made. Army staff representatives will provide an overview of the Army's stationing decision process. However, the main focus is to provide community members, leaders and partners a chance to provide direct input and key, community-unique facts you believe the Army should consider before decisions are made.

UNITED STATES ARMY, ALASKA

Information is available by calling 907.384.9005

LISA MURKOWSKI
ALASKA

COMMITTEES:

ENERGY AND NATURAL RESOURCES
CHAIRMAN

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(907) 283-5808

1900 FIRST AVENUE, SUITE 225
KETCHIKAN, AK 99901-0059
(907) 225-6880

851 EAST WESTPORT DRIVE, SUITE 307
WASILLA, AK 99684-7162
(907) 376-7665

February 18, 2015

General Raymond T. Odierno
Chief of Staff of the United States Army
200 Army Pentagon
Washington, DC 20310-0200

Dear General Odierno:

On February 23 and 24, the Army will conduct listening sessions in Anchorage and Fairbanks related to the possible loss of one or both of the active duty Army brigades sited in Alaska. These listening sessions have drawn great interest from the affected communities as well as member of the Alaska Legislature who represent those communities.

Some 28 members of the 40 member Alaska House of Representatives and 14 of the 20 members of the Alaska Senate represent districts that will potentially be directly affected by Army force structure reductions. Unfortunately it is not practical for the Alaska Legislature to recess its 90 day regular session in order that all of these members can attend the listening sessions personally.

Although the Army has not solicited written comments as part of its listening session process I hope you will find it appropriate to consider the written comments of legislators whose duties in Juneau keep them away from their home districts. As I receive copies of these letters I intend to forward them on to you and to the Deputy Chief of Staff G-3/5/7 for consideration.

This letter transmits the comments of the Honorable John Coghill, Majority Leader of the Alaska Senate and Co-Chair of the Alaska Legislature's Joint Armed Services Committee. Senator Coghill represents the Fairbanks and North Pole communities of Interior Alaska near Fort Wainwright.

Thank you for considering the comments of Senator Coghill's comments, and those of other legislators whose choose to submit them. An acknowledgement from the Army that these comments have been considered will be greatly appreciated.

Respectfully,



Lisa Murkowski
United States Senator

Alaska State Legislature

Senate Majority Leader

Joint Armed Services Committee

Co-Chairman

Judiciary Committee

Vice-Chairman

Resources Committee

State Affairs Committee

Legislative Council

Rules Committee



Senator John Coghill

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www.aksenate.org

February 18, 2015

John P. McLaurin, III
Deputy Director of Force Management
Office of Deputy Chief of Staff, G-3/5/7
Washington, DC 20310

U.S. Army Environmental Command
ATTN: SPEA Public Comments,
2450 Connell Road (Building 2264)
Joint Base San Antonio-Fort Sam Houston, TX 78234-7664
usarmy.jbsa.aec.nepa@mail.mil

Dear Sir or Ma'am:

This is State Senator John Coghill. I represent Senate District B. My office has reviewed the June 2014 *Supplemental Programmatic Environmental Assessment for Army 2020 Force Structure Realignment* and supports the "no action alternative" for Fort Wainwright, Alaska.

Fort Wainwright's strategic location (a mere 120 miles from the Arctic Circle, in the "heart of Alaska") makes it a very important post for America.

Alaska, using northern routes, connects three continents. Army personnel located in this state can get to many places around the globe, quickly. In those instances, the military can "make things happen." Or, importantly, "prevent bad things from happening." Having a presence in Alaska, especially at places like Fort Wainwright, can help shape events.

In addition to strategic location, Fort Wainwright is surrounded by major training areas (found in the Joint Pacific Alaska Range Complex, "JPARC") including:

1. The Tanana Flats Training Area (642,215 acres);
2. The Yukon Training Area (259,353 acres); and
3. The Donnelly Training Area (654,641 acres)

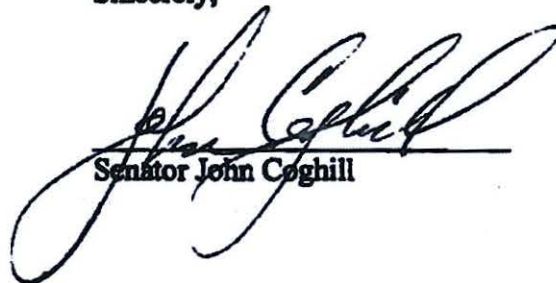
The approximate total acreage is 1,577,096. The unparalleled integrated training environment has multiple advantages. Those advantages include: Year-round accessibility; joint-live fire; live-virtual-construction instrumented architecture for brigade-level training; and support for all conventional weapon systems.

Additionally, as the military focuses on the Pacific (and, increasingly, the Arctic), Alaska can provide training opportunities for valuable allies. Regional partnerships include: Japan, Canada, India, Nepal, Mongolia, and Bangladesh. Expanding Arctic partnerships include: Norway, Finland, Sweden, and Denmark.

Alaska communities, and out state legislature, have continued to support our military friends. There is a proven history: from the 2005 BRAC proceedings, to the proposed F-16 movement from Eielson Air Force base, to the F-35 campaign, to now. The military can count on support from Alaska, especially in the interior.

Going through budget reductions is something we understand in this state. We also must prioritize based on effective life and safety needs. In the view of many, Fort Wainwright is a high priority. Considering the post's strategic value to America, the "no action alternative" is the overwhelming recommendation.

Sincerely,



Senator John Coghill

Alaska State Legislature

Senator Mike Dunleavy
Senator Charlie Huggins
Senator Bill Stoltze
Representative Jim Colver
Representative Lynn Gattis



Representative Shelley Hughes
Representative Wes Keller
Representative Mark Neuman
Representative Lora Reinbold
Representative Cathy Tilton

Mat-Su Delegation

Capitol Building - Juneau, Alaska

February 27, 2015

General Raymond Odierno
Chief of Staff of the United States Army
200 Army Pentagon
Washington, DC 20310-0200

John P. McLaurin, III
Deputy Director of Force Management
Office of the Deputy Chief of Staff, G3/5/7
Washington, DC 20310

U.S. Army Environmental Command
ATTN: SPEA Public Comments
2450 Connell Road, Building 2264
Joint Base San Antonio – Fort Sam Houston, Texas 78234-7664
Email: usarmy.ibsa-aec.nepa@mail.mil

To Whom It May Concern:

The Mat-Su Valley Delegation stands united in its opposition to reducing military personnel in Alaska, due to the increasing strategic importance of the Arctic to the defense of the United States and the region's uniquely situated training areas. The importance of armed forces in Alaska has been recognized by some of the greatest military minds, including Army Major General William "Billy" Mitchell, credited for being "the father of the Air Force, who famously said:

"I believe that in the future, whoever holds Alaska will hold the world. I think it is the most important strategic place in the world."

With a belligerent North Korea, an aggressive shift by Russia, and a rising China, those words certainly ring truer today than they did when he first uttered them before Congress in 1935. Alaska is at the tip of the nation's spear, with Fort Wainwright a mere 120 miles from the Arctic Circle. In contrast to military

Installations in other parts of the country, military forces in Alaska can act quickly and decisively on three continents. As the Arctic opens up to global commerce, Alaska becomes even more strategically critical than any other time in history. As our nation's only Arctic state, Alaska also boasts uniquely situated training areas unlike any other in our country, including the Tanana Flats, the Yukon, and the Donnelly training areas, with a combined acreage of 1,577,096. These training areas are accessible year-round, support all conventional weapon systems, have joint air and ground live fire as well as live virtual construction instrumented architecture for brigade level training, and are utilized by military personnel from all over the country.

Due to Alaska's strategic importance and its unparalleled training areas, we urge the Department of the Army to do what's in the best interest of the United States and preserve the nation's strength in the Arctic to meet the growing challenges of this new century.

Sincerely,



Senator Charlie Huggins



Representative Shelley Hughes



Senator Mike Dunleavy



Representative Wes Keller



Senator Bill Stoltze



Representative Mark Neuman



Representative Jim Colver



Representative Lora Reinbold



Representative Lynn Gattis



Representative Cathy Tilton

Cc: The Honorable Lisa Murkowski, U.S. Senate
The Honorable Daniel Sullivan, U.S. Senate
The Honorable Don Young, U.S. House of Representatives

DAN SULLIVAN
ALASKA

SUITE 8D-840A
DIRIGEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510

United States Senate

COMMITTEES

ARMED SERVICES
COMMERCE, SCIENCE AND
TRANSPORTATION
ENVIRONMENT AND
PUBLIC WORKS
VETERANS' AFFAIRS

March 5, 2015

General Raymond Odierno
Chief of Staff of the United States Army
200 Army Pentagon
Washington, DC 20310-0200

Dear General Odierno,

Last week the Army conducted two public listening sessions in Alaska, one at Fort Richardson and the other at Fort Wainwright. In each of these sessions, your representatives, John P. McLaurin, the Deputy Director for Force Management, and Colonel Thomas M. O'Donoghue, heard from hundreds of passionate Alaskans. In fact, if there was ever a doubt of Alaska's passion for our servicemembers, Mr. McLaurin was able to witness firsthand how much Alaska really does love its troops. He later remarked at the Fort Richardson listening session, "That assemblage outside before coming in [the listening session] is something I've never seen before. You should be very proud of yourself because I am flat out impressed."

Like both Mr. McLaurin and Col. O'Donoghue, I too have heard from hundreds – and even thousands – of Alaskans from all across my great state who are concerned about this force structure issue. As a matter of fact, many of the Alaskans at the Fort Richardson listening session hail from the Matanuska-Susitna Valley (Mat-Su Valley), a rapidly growing community just north of Anchorage.

In a letter to you, which I have enclosed, the elected legislators of the Mat-Su Valley share some important local perspectives and raise several important strategic concerns. Their perspectives and concerns – many of which I share – are critically important in your upcoming force structure decisions. I ask that you weigh their perspectives and concerns, along with my own, as you make the difficult decisions that will affect the future of our Army.

Alaska is many things to the Army. We are strategic, our soldiers are rigorously trained, and these soldiers, like most Alaskans, are truly "Arctic Tough." Yet, underneath this arctic toughness, is community that really treasures all of its military force structure and especially its Army forces. Thank you for taking the time to both hear and read our concerns.

Sincerely,



Dan Sullivan
United States Senator

Congress of the United States

Washington, DC 20510

March 6, 2015

Honorable John M. McHugh
Secretary of the Army
200 Army Pentagon
Washington, DC 20310-0200

General Raymond T. Odierno
Chief of Staff, US Army
200 Army Pentagon
Washington, DC 20310-0200

Gentlemen:

We write today with respect to the Army's ongoing process to determine how it will implement force structure reductions in accordance with the administration's Fiscal Year 2016 budget and the Budget Control Act. Last week, Army listening teams were in Alaska to receive comments from our constituents on Army downsizing. The listening teams played to packed houses in Anchorage and Fairbanks.

Support for our soldiers and their families runs deep in Alaska's DNA. It has for many generations. Today Alaska is home to more veterans per capita than any other State in the country. It gives us great pride to see veterans of conflicts past turn out to support the current generation of fighting men and women. Many of the speakers last week were veterans who came to Alaska to serve but decided to stay because of the high quality of life enjoyed by our military families.

Ultimately though, the difficult force structure decisions which may be ahead should not rely on the popularity of the Army presence in a particular community or the number of people who attended a particular listening session. Military strategy remains the key determinant of where the Army should base. Alaska's geographic proximity, over the pole from most of the world's conflict zones, is the principal reason military planners have long regarded Alaska as a highly desirable – if not necessary – forward base for US power projection. Recent developments in Asia, the Pacific and Russia have done nothing to weaken that argument.

On March 3, 2015, the Chairman of the Joint Chiefs of Staff told the Senate Armed Services Committee that "the Russians have just taken a decision to activate six new brigades and four of them will be in the Arctic." The Secretary of Defense observed, "The Arctic is going to be a place of growing strategic importance... The Russians are active there." The Secretary of Defense observed, "The Arctic is going to be a place of growing strategic importance... The Russians are active there."

These recent developments represent significantly changed circumstances from those that existed when the Army first considered a list of Brigade Combat Teams for possible elimination in force structure reductions. Instead of reducing the Army presence, in Alaska we would suggest that the Army should consider increasing that presence in the coming years. Sound military strategy demands no less.

We appreciate your consideration of our views.

Respectfully,


Lisa Murkowski Dan Sullivan Don Young
United States Senator United States Senator Congressman for All Alaska



**DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-3/5/7
400 ARMY PENTAGON
WASHINGTON, DC 20310-0400**

23 MAR 2015

**The Honorable Lisa Murkowski
United States Senate
Washington, DC 20510**

Dear Senator Murkowski:

I have been asked to respond on behalf of the Chief of Staff, Army to your March 5, 2015 letter concerning the Army's listening sessions held in Anchorage and Fairbanks in late February, and to the written comments provided by Members of the Alaska Legislature. More specifically, I would like to thank you for forwarding the letters from Senator John Coghill, Majority Leader of the Alaska Senate, Senator Pete Kelly of Fairbanks, and Senator Anna Mackinnon of Eagle River.


As you know, the Army must meet the Nation's strategic and defense objectives while preparing to operate under the severe fiscal constraints caused by current law budget caps. The 2014 Quadrennial Defense Review (QDR) states that the Army Active Component will reduce from its wartime high force of 570,000 to 450,000 Soldiers. The QDR also states if sequestration cuts are again imposed in Fiscal Year 2016 and beyond, Active Component end-strength must be reduced to 420,000.

As the Army reduces its end-strength, it must maintain the appropriate balance between mission, Army force structure, and capabilities, sustaining force readiness, preserving Soldier and Family quality of life, the all-volunteer force, and adapting the force to reduce Army expenditures. The Army is currently analyzing its available options to achieve these objectives. The comments you forwarded, along with the comments from the listening sessions in Anchorage and Fairbanks, will be considered as part of the Army's decision process. At this point, however, no final decisions have been made.

The Army recognizes that Joint Base Elmendorf-Richardson and Fort Wainwright provide tremendous capabilities to our Army, and that the local communities enthusiastically support our Soldiers and their Families. The Army will fully consider all the benefits that Alaska offers to train Soldiers, support Families, and contribute to the defense of the Nation as our analysis proceeds.

Again, thank you for forwarding the comments from the Alaska legislators and for your continued support of our Soldiers and their Families.

Sincerely,



James L. Huggins, Jr.
Lieutenant General, U.S. Army
Deputy Chief of Staff, G-3/5/7

Alaska State Legislature

Senate Majority Leader

Joint Armed Services Committee

Co-Chairman

Judiciary Committee

Vice-Chairman

Resources Committee

State Affairs Committee

Legislative Council

Rules Committee



Senator John Coghill

Session Address:
State Capitol, Room 119
Juneau, AK 99801-1182
(907) 465-3719
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1292 Sadler Way, Suite 340
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August 7, 2015

Department of the Army
Freedom of Information and Privacy Office
7701 Telegraph Road, Suite 144
Alexandria, VA 22315-3905
e-FOIA: DAFOIA@conus.army.mil

Deputy Chief of Staff G-3
Attn: DAMO-ZA
600 Army Pentagon, 8605 NC1
Washington, DC 20310-0600

Assistant Chief of Staff for Installation Management
Attn: DAIM-ZS
600 Army Pentagon, 8605 NC1
Washington, DC 20310-0600

Re: Request under the Freedom of Information Act - Army

Dear Sir or Ma'am:

This is a request under the Freedom of Information Act. See 5 U.S.C. 552 et al.

I request that a copy of the following record(s) be provided:

1. Any and all material related to the proposed force restructure decisions at Fort Wainwright, AK and Fort Richardson, AK (otherwise known as "Joint Base Elmendorf-Richardson" or "JBER") announced on July 9, 2015, and relevant to the following areas:
 - a. Military Value Analysis ("MVA") Model and Inputs
 - i. Training
 - ii. Power Projection
 - iii. Well-Being
 - iv. Mission Expansion
 - b. Strategic Considerations
 - c. Military Judgment
 - d. Cost and Efficiencies

- e. Readiness Impact
- f. Mission Command
- g. Statutory Requirements
- h. Feasibility
- i. Environmental and Socioeconomic Impacts
- j. Community Input

The form of the records should include, but not be limited to items of any kind, including:

papers, books, accounts, letters, photographs, objects, tangible things, correspondence, telegrams, cable telex messages, memorandum, notes, desk calendars, diaries, notations, work papers, intra and inter-office communications, intra and inter-departmental communications, communications to, between and among officers, agents, partners, secretaries, or any other employees, transcripts, minutes, reports, and/or recording of telephone or other conversations, or interviews, or of committee meetings or of other meetings, affidavits, statements, summaries, opinions, reports, preliminary reports, studies, analogies, evaluations, insurance policies, contracts, licenses, agreements, balance sheets, income statements, questionnaires, answers to questionnaires, statistical records, appointment books, telephone logs, lists, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer tapes, discs, magnetic tapes, punch cards, computer printouts, data processing input and output (including all materials for Army installations considered), all computer programs and calculation models, computer program coding sheets, microfilms, e-communications, e-mail, text, all records kept by electronic photographic or mechanical means, and things similar to any of the foregoing, regardless of their author or origin, however denominated by it.

For the purposes of "fee assessment," please be aware that I'm an individual seeking information for public use. There is no commercial use.

I request a waiver of fees for this request. Disclosure of the requested information is in the public interest (particularly in the communities of Fairbanks, AK and Anchorage, AK) because it is likely to contribute significantly to public understanding of the operations or activities of the Army.

I serve in the Alaska State Senate and am Co-Chair Joint Armed Services Committee. The information obtained will be disseminated to the general public through the Joint Armed Services Committee.

Please contact my office at 907-451-2941 (from May to December) or 907-465-3719 (from January to April) if you need further information. Chad Hutchison (chad.hutchison@akleg.gov), from my office, will assist and answer questions.

Your efforts on this matter are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John Coghill". The signature is written in a cursive style with a large, looping initial "J".

Alaska State Senator John Coghill

ALASKA STATE LEGISLATURE



Representative Gabrielle LeDoux

Representative.Gabrielle.LeDoux@akleg.gov

Alaska State Capitol, Room 416

Juneau, AK 99801

Phone: (907) 465-4998

Fax: (907) 465-4419

Toll-Free: (800) 689-4998

October 20, 2015

F-35A Pacific Operational Basing EIS
354 Fighter Wing Public Affairs Office
354 Broadway Avenue, Suite 15A
Eielson AFB, AK 99702

To whom it may concern:

I am writing to support the placement of two F-35 squadrons at Eielson Air Force Base, which would be an economic and strategic asset to Alaska and our nation.

Nearly 2,800 military and civilian personnel and their families will relocate to the Fairbanks area with the placement of these two squadrons. This represents a 49% increase in Eielson Air Force Base's population and an appreciable amount of growth to the Fairbanks North Star Borough population of less than 100,000 people. The community would thus benefit from more students in borough schools with existing excess capacity, greater demand for housing and services off the base, and an additional \$177 million in labor income spent locally.

In addition, locating the F-35s at Eielson satisfies the aircraft's placement priorities outlined by the Secretary of the Air Force: complementing the Pacific rebalance articulated by the President and Defense Secretary; providing the capability to address threats and conflicts quickly; and supporting future peace-keeping missions. Interior Alaska also offers unparalleled training space for pilots at the Joint Pacific Alaska Range Complex.

The economic benefit of the additional airmen and families in Fairbanks, as well as the strategic advantage of basing these aircraft in Alaska dwarfs the handful of challenges identified in the Draft Environmental Impact Statement. I continue to support the placement of the F-35s at Eielson Air Force Base and urge you to ensure that this occurs. Thank you for your consideration.

Cordially,

A handwritten signature in cursive script that reads "Gabrielle LeDoux".

Representative Gabrielle LeDoux

Co-Chair, Joint Armed Services Committee

Alaska Code of Military Justice

HB 126 AND THE ALASKA NATIONAL GUARD

Progress since September 22nd

- Since the last hearing, this bill has been briefed to the Governor. Remains a priority for him and for the Adjutant General.
- Many comments and concerns from previous hearing were turned into amendments and forwarded to Legislative Legal
- Red Team is now meeting weekly. Scenarios have included:
 - Drug Use
 - Inappropriate relationships
 - AWOL
 - Sexual Assault

Changes to the Latest Version

1. Maximum Punishments defined in the Punitive Articles.

- Sec 26.05.577 through Sec. 26.05.634.
- One year or less confinement = misdemeanor charge.

2. Clarifies that civilian authorities have right of first refusal.

- Sec. 26.05.400

3. Long arm provision changed; no jurisdiction over behavior of Servicemembers outside the state who are not on orders.

- Sec. 26.05.403

Additional Changes to the Latest Version

1. Amends title relating to jurisdiction of the supreme court over petitions from the Military Appeals Commission
2. Creates three strikes system in DUI provision.
 - Sec. 26.05.611
3. Expands system of alternates
 - Sec. 26.05.460 Absent and additional members (court martial)
 - Sec. 26.05.538 (i) (Military Appeals Commission)

Good Order and Discipline

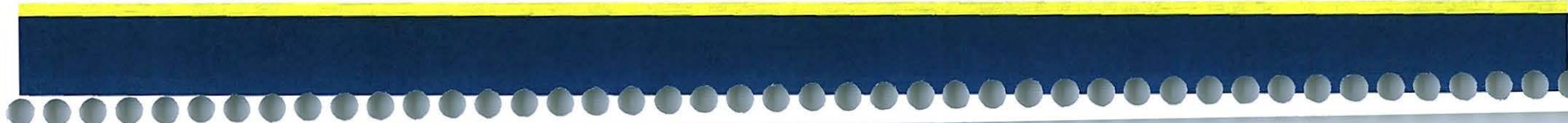
ACMJ
Courts-Martial,
Non-Judicial Punishment

Administrative Actions

Alaska Criminal Law

Moving Forward

1. This version of HB 126 is again supported by the AKNG.
2. AKNG feels that the bill as written now would create a functioning system of military justice.
3. Nonjudicial Punishment regulation is being worked through by Red Team. Preliminary results are positive.
4. AKNG desires that HB 126 is passed during the 2016 session, so that implementation can begin in summer of that year.



QUESTIONS?

For further questions or comments at a later date
please email forrest.dunbar2.mil@mail.mil



ALASKA STATE LEGISLATURE

HOUSE JUDICIARY COMMITTEE

REP. GABRIELLE LEDOUX
Chairman
State Capitol, Rm. 118
Juneau, AK 99801

Rep. Wes Keller, Vice-Chair
Rep. Charisse Millett
Rep. Matt Claman
907-465-4998

Rep. Max Gruenberg
Rep. Bob Lynn
Rep. Neal Foster
Rep. Kurt Olson, Alternate

HOUSE BILL 126

(29-LS0473\W)

SPONSOR STATEMENT

Alaska's military command has asked for a greater ability to pursue and prosecute those service-members who violate military rules and protocols. House Bill 126 honors that request and lays out a blueprint for administrative procedures for use by National Guard leadership in the state.

Alaska would not be the first state to adopt a state code of military justice and House Bill 126 shares many similarities with the codes from Arizona, Pennsylvania, Oregon and Minnesota. HB 126 will establish authority for the convening of courts-martial for various crimes conducted by National Guard members in Alaska and allows service-members to be delivered to a civilian authority for trial and confinement.

In close and continuing consultation with the National Guard and the Department of Military and Veterans Affairs, the Judiciary Committee looks forward to the swift passage of HB 126 and guaranteeing the safety of Alaskans and the security of our law-enforcement procedures.

Seeing how badly Alaska's military justice system failed to protect victims and punish serial abusers, HB 126 is timely and necessary.

We urge your support of this legislation.

29th Legislature(2015-2016)

Bill History/Action for 29th Legislature

BILL: HB 126

SHORT TITLE: CODE OF MILITARY JUSTICE; APPEALS

BILL VERSION: CSHB 126(JUD) AM

CURRENT STATUS: TRANSMITTED TO (S)

STATUS DATE: 02/03/16

SPONSOR(S): JUDICIARY

TITLE: "An Act relating to the administration of military justice; relating to the adoption of regulations by the adjutant general; relating to the authority of the adjutant general; relating to appeals of convictions and sentences of courts-martial; establishing the Military Appeals Commission; relating to the detention and incarceration of members of the militia; relating to the jurisdiction of the supreme court over petitions from the Military Appeals Commission; relating to involuntary commitment for evaluation or treatment of a mental disease or defect before court-martial proceedings; relating to offenses subject to court-martial proceedings; amending Rule 6, Alaska Rules of Criminal Procedure; and providing for an effective date."

Bill Number:

Jrn-Date	Jrn-Page	Action
02/25/15	0310	(H) READ THE FIRST TIME - REFERRALS
02/25/15	0310	(H) MLV, JUD
04/01/15	0658	(H) MLV RPT CS(MLV) NT 3DP 4AM
04/01/15	0658	(H) DP: LYNN, LEDOUX, HERRON
04/01/15	0658	(H) AM: TUCK, GRUENBERG, COLVER, HUGHES
04/01/15	0659	(H) FN1: ZERO(COR)
04/01/15	0659	(H) FN2: ZERO(DHS)
04/01/15	0659	(H) FN3: (AJS)
04/01/15	0659	(H) FN4: (MVA)
01/25/16	1493	(H) JUD RPT CS(JUD) NT 7DP
01/25/16	1493	(H) DP: CLAMAN, KELLER, MILLETT, FOSTER, GRUENBERG, LYNN, LEDOUX
01/25/16	1494	(H) FN5: ZERO(COR)
01/25/16	1494	(H) FN6: ZERO(DHS)
01/25/16	1494	(H) FN7: ZERO(AJS)
01/25/16	1494	(H) FN8: ZERO(MVA)
02/01/16	1537	(H) RULES TO CALENDAR 2/1/2016
02/01/16	1537	(H) READ THE SECOND TIME
02/01/16	1537	(H) JUD CS ADOPTED UC
02/01/16	1538	(H) ADVANCED TO THIRD READING 2/3 CALENDAR
02/03/16	1567	(H) READ THE THIRD TIME CSHB 126(JUD)
02/03/16	1567	(H) RETURN TO SECOND FOR AM 1 UC
02/03/16	1567	(H) AM NO 1 ADOPTED UNAN CONSENT
02/03/16	1568	(H) PASSED Y39 E1
02/03/16	1568	(H) COURT RULE(S) SAME AS PASSAGE
02/03/16	1568	(H) EFFECTIVE DATE(S) SAME AS PASSAGE
02/03/16	1571	(H) TRANSMITTED TO (S)
02/03/16	1571	(H) VERSION: CSHB 126(JUD) AM

Similar Subject Match or Exact Subject Match

ATTORNEY GENERAL

CORRECTIONS

COURT RULES

COURTS

CS FOR HOUSE BILL NO. 126(JUD) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 2/3/16
Offered: 1/25/16

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the administration of military justice; relating to the adoption of
2 regulations by the adjutant general; relating to the authority of the adjutant general;
3 relating to appeals of convictions and sentences of courts-martial; establishing the
4 Military Appeals Commission; relating to the detention and incarceration of members
5 of the militia; relating to the jurisdiction of the supreme court over petitions from the
6 Military Appeals Commission; relating to involuntary commitment for evaluation or
7 treatment of a mental disease or defect before court-martial proceedings; relating to
8 offenses subject to court-martial proceedings; amending Rule 6, Alaska Rules of
9 Criminal Procedure; and providing for an effective date."

10 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

11 * Section 1. AS 22.05.010 is amended by adding a new subsection to read:

12 (f) The supreme court may, in its discretion, review a final decision of the

1 Military Appeals Commission under AS 26.05.540 for which a sentence of
2 confinement is imposed, the right to appeal to the Military Appeals Commission under
3 AS 26.05.525 or 26.05.538 has been exhausted, and a petition for review is filed under
4 AS 26.05.540.

5 * **Sec. 2.** AS 26.05.140(a) is amended to read:

6 (a) Members of the militia ordered into active service for the state by order of
7 the governor are not liable civilly [OR CRIMINALLY] for any act done by them in
8 their official capacity while in [THIS] such service. If a suit is commenced in a court
9 against an officer or enlisted person of the militia as a result of an act done by the
10 officer or enlisted person in an official capacity while in active service, the defendant
11 may [REQUIRE THE PERSON INSTITUTING THE SUIT TO GIVE SECURITY
12 FOR THE PAYMENT OF COSTS. IF JUDGMENT IS FOR THE DEFENDANT,
13 TREBLE COSTS SHALL BE ASSESSED AGAINST THE PLAINTIFF. THE
14 DEFENDANT IN THE ACTION SHALL] be defended by the attorney general at the
15 expense of the state but the defendant may employ private counsel. **Nothing in this**
16 **subsection applies to a proceeding or action brought under this chapter or the**
17 **code of military justice.**

18 * **Sec. 3.** AS 26.05.228(b) is amended to read:

19 (b) All income of the fund and all disbursements made by the fund shall be
20 credited or charged, whichever is appropriate, to the following accounts:

21 (1) an individual account for each retired member of the system that
22 records the benefits paid under this system to the member or surviving beneficiary;

23 (2) a separate account for the Department of Military and Veterans'
24 Affairs' contribution to fund the system based on the actuarial requirements of the
25 system as established by the commissioner of administration under **AS 26.05.222 -**
26 **26.05.229** [THIS CHAPTER];

27 (3) an expense account for the system; this account is charged with all
28 disbursements representing administrative expenses incurred by the system;
29 expenditures from this account are included in the governor's budget for each fiscal
30 year.

31 * **Sec. 4.** AS 26.05 is amended by adding new sections to read:

1 **Sec. 26.05.405. Jurisdiction to try certain personnel.** (a) A person
2 discharged from the militia of the state who is later charged with having fraudulently
3 obtained a discharge is subject to trial by court-martial on that charge and is, after
4 apprehension, subject to the code of military justice while in custody under the
5 direction of the militia of the state for the trial. Upon conviction of the charge, the
6 person is subject to trial by court-martial for an offense under this chapter that is
7 committed before the fraudulent discharge.

8 (b) A person who has deserted from the militia of the state may not raise a
9 defense that the person is not subject to jurisdiction under the code of military justice
10 by virtue of a separation from a later period of service.

11 **Sec. 26.05.408. Territorial applicability.** (a) The code of military justice
12 applies to a member of the militia accused of or charged with an offense under this
13 chapter that is committed outside the state if the member is in active state service
14 under this chapter and is serving outside the state at the time the offense is committed.

15 (b) Courts-martial may be convened and held in units of the militia of the state
16 while those units are serving outside the state with the same jurisdiction and powers
17 granted under the code of military justice as if the proceedings were held inside the
18 state. Offenses under this chapter committed by members of the militia outside the
19 state may be tried and punished either inside or outside the state.

20 **Sec. 26.05.410. Judge advocates.** (a) The senior force judge advocate of each
21 force of militia of the state, or the delegate of the senior force judge advocate, shall
22 make frequent inspections in the field in supervision of the administration of military
23 justice in the force.

24 (b) A convening authority shall communicate directly with the authority's
25 judge advocates in matters relating to the administration of military justice. The judge
26 advocate of a command is entitled to communicate directly with the judge advocate of
27 a superior or subordinate command or with the State Judge Advocate.

28 (c) A person who has acted as member, military judge, trial counsel, defense
29 counsel, or investigating officer, or who has been a witness in a case may not later act
30 as a judge advocate to an authority reviewing the same case.

31 (d) A person may not serve as a judge advocate under the code of military

1 justice unless the person is a commissioned officer of the organized militia of a state
2 or of an active or reserve component of the armed forces or another uniformed service
3 of the United States, is a member in good standing of the bar of the highest court of a
4 state, and is currently

5 (1) certified or designated as a judge advocate in the Judge Advocate
6 General's Corps of the United States Army, Air Force, Navy, or the Marine Corps or
7 designated as a law specialist as an officer of the United States Coast Guard, or a
8 reserve component of one of them; or

9 (2) certified as a nonfederally recognized judge advocate, under the
10 code of military justice, by the senior judge advocate of the commander of the force in
11 the component of the militia of the state of which the accused is a member, as
12 competent to perform the military justice duties required by the code of military
13 justice; if a judge advocate is not available, the certification may be made by the
14 senior judge advocate of the commander of another force in the militia of the state, as
15 the convening authority directs.

16 **Sec. 26.05.420. Apprehension.** (a) A member of the militia or a person
17 authorized under 10 U.S.C. 801 - 946 or the code of military justice to apprehend
18 persons subject to the code of military justice, a marshal of a court-martial, and a
19 peace officer or civil officer having authority to apprehend offenders under the laws of
20 the United States or of a state may apprehend a person subject to the code of military
21 justice upon probable cause that an offense under this chapter has been committed and
22 that the person apprehended committed the offense.

23 (b) Commissioned officers, warrant officers, petty officers, and
24 noncommissioned officers have authority to suppress disorder or mutual combat
25 among members of the militia and to apprehend a person who participates in the
26 disorder or mutual combat.

27 (c) If an offender is apprehended outside the state, the offender's return to the
28 area must be in accordance with applicable extradition procedures, if any, or by
29 reciprocal agreement.

30 (d) A person authorized by this section to apprehend, restrain, or confine
31 persons subject to the code of military justice may not require payment of a fee for

1 apprehending, restraining, or confining a person except as otherwise provided by law.

2 **Sec. 26.05.423. Imposition of restraint.** (a) An enlisted member of the militia
3 may be arrested or confined by an oral or written order issued by a commissioned
4 officer or another member of the militia of the state acting at the commissioned
5 officer's direction. A commanding officer may authorize warrant officers, petty
6 officers, or noncommissioned officers to order enlisted members of the commanding
7 officer's command or subject to the commanding officer's authority into arrest or
8 confinement.

9 (b) A commissioned or warrant officer may be arrested or confined only by a
10 commanding officer who has authority over the commissioned or warrant officer. The
11 commanding officer shall deliver the order orally, in writing, in person, or by another
12 member of the militia. A commanding officer may not delegate the authority granted
13 in this subsection.

14 (c) A person may not be arrested or confined unless the officer issuing the
15 order for arrest or confinement has probable cause to believe that an offense under this
16 chapter has been committed and that the person has committed the offense.

17 (d) This section does not limit the authority of persons authorized to
18 apprehend offenders to secure the custody of an alleged offender until proper authority
19 may be notified.

20 **Sec. 26.05.425. Restraint of persons charged with offenses.** (a) Except as
21 provided in (b) of this section, a person charged with an offense under this chapter
22 may be arrested or confined as circumstances may require. A person arrested or
23 confined before trial is entitled to prompt notice of the offense of which the person is
24 accused.

25 (b) A person subject to the code of military justice who is charged with a
26 minor offense normally tried by a summary court-martial or subject to nonjudicial
27 punishment under the code of military justice may not be placed in confinement.

28 (c) When a person subject to the code of military justice is placed in
29 confinement before summary court-martial or nonjudicial punishment, the person shall
30 be conditionally released pending disposition of the charges.

31 **Sec. 26.05.428. Place of confinement; reports and receiving of prisoners.**

1 (a) A person confined as a prisoner under the code of military justice shall be confined
2 in a civilian or military confinement facility.

3 (b) Unless otherwise authorized by law, a person authorized to receive a
4 prisoner under (a) of this section may not refuse to receive or keep the prisoner
5 committed to the person's charge by a commissioned officer of the militia of the state
6 if the officer furnishes the person with a statement signed by the officer identifying the
7 offense for which the prisoner was convicted.

8 (c) A person authorized to receive a prisoner under (a) of this section shall,
9 within 24 hours after receiving the statement of commitment under (b) of this section,
10 or as soon as the person is relieved from guard, report to the commanding officer of
11 the prisoner the name of the prisoner, the offense for which the prisoner was
12 convicted, and the name of the person who ordered or authorized the commitment.

13 **Sec. 26.05.430. Delivery of offenders to a civil authority.** (a) A person
14 accused of a criminal offense against a civil authority may be delivered, upon request,
15 to a civil authority for trial or confinement.

16 (b) When a sentence imposed in a court-martial proceeding under the code of
17 military justice is interrupted by the delivery of the offender to a civil authority under
18 this section, and the offender is later convicted and sentenced by the civil authority,
19 competent military authority shall request the civil authority to return the offender to
20 the custody of the military authority for completion of the sentence imposed by court-
21 martial.

22 (c) The adjutant general, with the approval of the governor, may enter into an
23 agreement with a civil authority to ensure the return of an offender under this section.

24 **Sec. 26.05.433. Courts-martial classified.** The military courts for the militia
25 of the state are

26 (1) a general court-martial, consisting of

27 (A) a military judge, not fewer than five members, and not
28 fewer than one alternate member; or

29 (B) only a military judge, if, before the court is assembled, the
30 accused, knowing the identity of the military judge and after consultation with
31 defense counsel, requests orally on the record or in writing a court composed

1 of only a military judge and the military judge approves;

2 (2) a special court-martial, consisting of

3 (A) a military judge, not fewer than three members, and not
4 fewer than one alternate member; or

5 (B) only a military judge, if one has been detailed to the court,
6 and the accused so requests under the conditions prescribed in (1)(B) of this
7 section; and

8 (3) a summary court-martial, consisting of one commissioned officer.

9 **Sec. 26.05.435. Jurisdiction of courts-martial in general.** Each force of the
10 militia of the state in active military service has court-martial jurisdiction over all
11 members of the militia. The exercise of jurisdiction by one force over personnel of
12 another force must be in accordance with the code of military justice.

13 **Sec. 26.05.438. Jurisdiction of a general court-martial.** Subject to
14 AS 26.05.435, a general court-martial has jurisdiction to try a member of the militia
15 for an offense under this chapter and may impose a punishment not forbidden by the
16 code of military justice.

17 **Sec. 26.05.440. Jurisdiction of a special court-martial.** Subject to
18 AS 26.05.435, a special court-martial has jurisdiction to try a member of the militia for
19 an offense under this chapter and may impose a punishment not forbidden by the code
20 of military justice, other than dishonorable discharge, dismissal, confinement for more
21 than one year, forfeiture of pay exceeding two-thirds pay a month, or forfeiture of pay
22 for more than one year.

23 **Sec. 26.05.443. Jurisdiction of a summary court-martial.** (a) Subject to
24 AS 26.05.435, a summary court-martial has jurisdiction to try a member of the militia
25 except officers, cadets, candidates, and midshipmen for an offense under this chapter.

26 (b) A person over whom a summary court-martial has jurisdiction may not be
27 brought to trial before a summary court-martial if the person objects.

28 (c) If a person accused of an offense under this chapter objects to a summary
29 court-martial under (b) of this section, the person may be ordered tried by special or
30 general court-martial, as appropriate.

31 (d) A summary court-martial may, under the limitations as the governor may

1 prescribe, impose a punishment not forbidden by the code of military justice, other
2 than dismissal, dishonorable or bad-conduct discharge, confinement for more than one
3 month, restriction to specified limits for more than two months, or forfeiture of more
4 than two-thirds of one month's pay.

5 **Sec. 26.05.444. Grand jury requirement.** (a) A general court-martial in
6 which confinement of more than one year is sought may not be convened until a grand
7 jury of the state has returned a true bill indicating that there is probable cause to
8 believe that the accused member of the militia committed the offense or offenses at
9 issue.

10 (b) The general court-martial convening authority shall designate one or more
11 judge advocates to represent the authority at the grand jury, except that at the request
12 of the adjutant general, and with the consent of the attorney general, an attorney from
13 the Department of Law may represent the convening authority at the grand jury.

14 **Sec. 26.05.445. Venue for grand jury and court-martial.** The venue for
15 convening a court-martial, trial, preliminary hearing, and presentation of charges to a
16 state grand jury shall be determined at the discretion of the appropriate court-martial
17 convening authority.

18 **Sec. 26.05.446. Who may convene a general court-martial.** (a) A general
19 court-martial may be convened by

- 20 (1) the governor;
- 21 (2) the adjutant general;
- 22 (3) the commanding officer of a force of the militia of the state;
- 23 (4) the commanding officer of a division or a separate brigade;
- 24 (5) the commanding officer of a separate wing.

25 (b) If a commanding officer who is authorized to convene a general court-
26 martial is the accuser in a matter, the court hearing the matter shall be convened by
27 superior competent authority.

28 (c) A superior authority may convene a case if the superior authority considers
29 it desirable.

30 **Sec. 26.05.448. Who may convene a special court-martial.** (a) A special
31 court-martial may be convened by

- 1 (1) a person who may convene a general court-martial;
- 2 (2) the commanding officer of a garrison, fort, post, camp, station, Air
3 National Guard base, or naval base or station;
- 4 (3) the commanding officer of a brigade, regiment, detached battalion,
5 or corresponding unit of the United States Army;
- 6 (4) the commanding officer of a wing, group, separate squadron, or
7 corresponding unit of the United States Air Force; or
- 8 (5) a commanding officer or officer in charge of any other command
9 when empowered to do so by the adjutant general.

10 (b) If an officer who is authorized to convene a special court-martial is the
11 accuser in the matter, the court hearing the matter shall be convened by superior
12 competent authority.

13 (c) A superior authority may convene a case if the superior authority considers
14 it desirable.

15 **Sec. 26.05.450. Who may convene a summary court-martial.** (a) A
16 summary court-martial may be convened by

- 17 (1) a person who may convene a general or special court-martial;
- 18 (2) the commanding officer of a detached company or other
19 detachment or the commanding officer of a corresponding unit of the United States
20 Army;
- 21 (3) the commanding officer of a detached squadron or other
22 detachment or the commanding officer of a corresponding unit of the United States
23 Air Force; or
- 24 (4) the commanding officer or officer in charge of any other command
25 when empowered to do so by the adjutant general.

26 (b) If only one commissioned officer is present with a command or
27 detachment, that officer shall be the summary court-martial of that command or
28 detachment and shall hear and determine all summary court-martial cases. If the
29 officer who is authorized to convene a summary court-martial is the accuser in the
30 matter, the court hearing the matter shall be convened by a superior competent
31 authority, if practicable.

1 (c) A superior authority may convene a summary court-martial if the superior
2 authority considers it desirable.

3 **Sec. 26.05.452. Who may serve on courts-martial.** (a) A commissioned
4 officer of the militia of a state or of an active duty component of the armed forces of
5 the United States is eligible to serve on a general, special, or summary court-martial
6 for the trial of a member of the militia.

7 (b) A warrant officer of the militia of a state or of an active duty component of
8 the armed forces of the United States is eligible to serve on a general or special court-
9 martial for the trial of any person, other than a commissioned officer.

10 (c) An enlisted member of the militia of the state who is not a member of the
11 same unit as the accused is eligible to serve on a general or special court-martial for
12 the trial of an enlisted member, but only if the accused has, before the conclusion of a
13 session of the court-martial called by the military judge, personally requested, orally
14 on the record or in writing, that enlisted members serve on the court-martial.

15 (d) After a request is made under (c) of this section, the accused may not be
16 tried by a general or special court-martial unless enlisted members make up at least
17 one-third of the total membership of the court. If eligible enlisted members are not
18 available because of physical conditions or military exigencies, the court may proceed
19 to try the accused without enlisted members, but the convening authority shall place
20 on the record a detailed written explanation of why eligible enlisted members were not
21 available.

22 (e) The accused may not be tried by a court-martial that includes a member
23 who is junior in rank or grade to the accused, unless the inclusion cannot be avoided.

24 (f) When convening a court-martial, the convening authority shall detail the
25 members of the militia of a state or of an active duty component of the armed forces of
26 the United States who are, in the convening authority's opinion, the best qualified for
27 the duty by reason of age, education, training, experience, length of service, and
28 judicial temperament. A person is not eligible to serve as a member of a general or
29 special court-martial if the person is the accuser, is a witness, or has acted as
30 investigating officer or as counsel in the same case.

31 (g) Before a court-martial is assembled for the trial of a case, the convening

1 authority may excuse a member of the court from participating in the case. The
2 convening authority may delegate the authority under this subsection to a judge
3 advocate or to a principal assistant.

4 **Sec. 26.05.453. Military judge of a general or special court-martial.** (a) A
5 senior force judge advocate who is in the same force as the accused, or a designee,
6 shall detail a military judge to a general and special court-martial. The military judge
7 shall preside over an open session of the court-martial to which the military judge has
8 been detailed.

9 (b) A military judge must be

10 (1) an active or retired commissioned officer of the militia of a state or
11 of an active or reserve component of the armed forces or another uniformed service of
12 the United States;

13 (2) licensed to practice law in a state or a member of the bar of a
14 federal court for at least five years;

15 (3) certified as qualified for duty as a military judge by a senior force
16 judge advocate who is in the same force as the accused.

17 (c) The convening authority or a staff member of the convening authority may
18 not prepare or review a report concerning the effectiveness, fitness, or efficiency of the
19 military judge detailed to the case that relates to performance of duty as a military
20 judge.

21 (d) A person may not act as military judge in a case if that person is the
22 accuser or a witness or has acted as investigating officer or counsel in the same case.

23 (e) The military judge of a court-martial may not consult with the members of
24 the court except in the presence of the accused, trial counsel, and defense counsel, or
25 vote with the members of the court-martial.

26 **Sec. 26.05.455. Detail of trial counsel and defense counsel.** (a) For each
27 general and special court-martial, the convening authority shall detail trial counsel,
28 defense counsel, and assistants, as appropriate.

29 (b) A person who has acted as investigating officer, military judge, witness, or
30 court member in a case may not act as trial counsel, assistant trial counsel, or, unless
31 expressly requested by the accused, defense counsel or assistant or associate defense

1 counsel in the case.

2 (c) A person who has acted for the prosecution may not act in the same case
3 for the defense. A person who has acted for the defense may not act in the same case
4 for the prosecution.

5 (d) Trial counsel or defense counsel detailed in a general or special court-
6 martial must be

7 (1) a judge advocate, or, if serving as defense counsel, otherwise
8 certified by the senior force judge advocate; and

9 (2) admitted to the practice of law in this state or otherwise permitted
10 to appear in an action in the courts of this state.

11 **Sec. 26.05.458. Detail or employment of reporters and interpreters.** (a) The
12 convening authority of a general or special court-martial shall detail or employ
13 qualified court reporters, who shall record the proceedings of and testimony taken
14 before that court and may detail or employ interpreters to interpret for the court.

15 (b) A person may not act as a reporter or interpreter under this section in a
16 case if the person is the accuser, a witness, an investigating officer, counsel for a party,
17 or, if the trial is a rehearing, a member of a prior court-martial in the same case.

18 **Sec. 26.05.460. Absent and additional members.** (a) A member of a general
19 or special court-martial may not be absent or excused after the court has been
20 assembled for the trial of the accused unless the member is excused

21 (1) as a result of a challenge; or

22 (2) for good cause by the military judge or by order of the convening
23 authority.

24 (b) If a general court-martial, other than a general court-martial composed of
25 only a military judge, is reduced below five members, the military judge shall assign
26 an available alternate member to the general court-martial to restore the court to five
27 members. The trial may not proceed if a general court-martial, other than a general
28 court-martial composed of only a military judge, is reduced below five members and
29 no alternate is available for assignment.

30 (c) If a special court-martial, other than a special court-martial composed of
31 only a military judge, is reduced below three members, the military judge shall assign

1 an alternate member to the special court-martial to restore the court to three members.
2 The trial may not proceed if a special court-martial, other than a special court-martial
3 composed of only a military judge, is reduced below three members and no alternate is
4 available for assignment.

5 (d) If the military judge of a court-martial composed of only a military judge
6 is unable to proceed with a trial because of a challenge or for other good cause, the
7 senior force judge advocate shall detail a new military judge. The trial shall proceed as
8 if no evidence had previously been introduced, unless a verbatim record of the
9 evidence previously introduced or a written stipulation of the evidence is read in court
10 in the presence of the new military judge, the accused, and counsel for both sides.

11 **Sec. 26.05.463. Charges and specifications.** (a) Charges and specifications
12 must be signed by a member of the militia under oath before a commissioned officer
13 authorized by AS 26.05.545 to administer oaths. The charges and specifications must
14 state

15 (1) that the signer has personal knowledge of, or has investigated, the
16 facts set out in the charges and specifications;

17 (2) that the charges and specifications are true in fact to the best of the
18 signer's knowledge and belief.

19 (b) The person proffering the charges and specifications shall present them to
20 the proper authority. The proper authority receiving the charges and specifications
21 shall immediately determine the disposition of the charges in the interest of justice and
22 discipline, and the person accused shall be informed of the charges as soon as
23 practicable.

24 **Sec. 26.05.465. Compulsory self-incrimination prohibited.** (a) A member of
25 the militia may not compel a person to make a self-incriminating statement or to
26 answer a question if the answer may incriminate the person.

27 (b) A member of the militia may not interrogate or request a statement from a
28 person suspected of an offense under this chapter without first informing the person of
29 the nature of the accusation and advising the person that the person does not have to
30 make any statement regarding the offense of which the person is accused or suspected
31 and that any statement made by the person may be used as evidence against the person

1 in a trial by court-martial.

2 (c) A member of the militia may not compel a person to make a statement or
3 produce evidence before a military court if the statement or evidence is not material to
4 the issue before the court and may tend to degrade the person.

5 (d) A statement obtained from a person in violation of this section or through
6 the use of coercion, unlawful influence, or unlawful inducement may not be admitted
7 into evidence against the person in a trial by court-martial.

8 **Sec. 26.05.468. Investigation; preliminary hearing.** (a) A charge or
9 specification may not be referred to a general court-martial for trial until an
10 investigating officer makes a thorough and impartial investigation of all the matters set
11 out in the charge or specification. The investigating officer shall inquire into the truth
12 of the matters set out in the charges, consider the form of the charges, and recommend
13 a disposition of the case in the interest of justice and discipline.

14 (b) The accused has the right to be represented by counsel at an investigation.
15 If the accused requests the appointment of military counsel, the investigating officer
16 shall refer the request to the senior force judge advocate, who shall promptly detail
17 defense counsel to represent the accused at the investigation. Defense counsel detailed
18 under this section shall meet the criteria for counsel under AS 26.05.455(d).

19 (c) In cases where there has been no grand jury proceeding on a charge or no
20 grand jury proceeding is required, the authority investigating the accused shall

21 (1) advise the accused of the charges against the accused and of the
22 accused's right to be represented by counsel under (b) of this section;

23 (2) give the accused the opportunity to cross-examine witnesses
24 against the accused, if the witnesses are available; a victim of an offense under
25 AS 26.05.593, 26.05.620, 26.05.621, or 26.05.622 may not be required to testify at a
26 preliminary hearing; a victim of an offense under AS 26.05.593, 26.05.620, 26.05.621,
27 or 26.05.622 who declines to testify is considered unavailable for the purposes of the
28 preliminary hearing;

29 (3) give the accused the opportunity to present evidence on the
30 accused's own behalf, either in defense or mitigation relevant to the limited purposes
31 of the hearing; the investigating officer shall examine available witnesses requested by

1 the accused.

2 (d) The presentation of evidence and examination of witnesses at a
3 preliminary hearing, including cross-examination, shall be limited to matters relevant
4 to the limited purposes of the hearing.

5 (e) If, after the investigation, the charges are referred to the court-martial, the
6 investigating officer shall prepare a statement of the charges and the substance of the
7 testimony taken, and a copy shall be given to the accused.

8 (f) If an investigation of an offense under this chapter is conducted before the
9 accused is charged with the offense and the accused is present at the investigation and
10 provided with counsel and an opportunity to cross-examine witnesses and present
11 evidence under (c) of this section, no further investigation of that charge is necessary
12 under this section unless the accused demands further investigation after the accused is
13 informed of the charge. A demand for further investigation entitles the accused to
14 recall witnesses for further cross-examination and to offer new evidence in the
15 accused's own behalf.

16 (g) If evidence adduced in an investigation under this section indicates that the
17 accused committed an uncharged offense, the investigating officer may investigate the
18 subject matter of that offense without the accused's having first been charged with an
19 offense under this chapter if the accused is

20 (1) present at the investigation;
21 (2) informed of the nature of each uncharged offense investigated; and
22 (3) provided with counsel and an opportunity to cross-examine
23 witnesses and present evidence under (c) of this section.

24 (h) In this section, "victim" means a person who is alleged to have suffered a
25 direct physical, emotional, or pecuniary harm as a result of the matters set out in a
26 charge or specification being considered and who is named in a specification being
27 considered.

28 **Sec. 26.05.470. Forwarding of charges.** (a) When a person is held for trial by
29 general court-martial, the commanding officer shall, within eight days after the
30 accused is ordered into arrest or confinement, if practicable, forward the charges,
31 together with the investigation and associated records, to the person exercising general

1 court-martial jurisdiction.

2 (b) If it is not practicable to forward the charges and investigation and
3 associated records under (a) of this section, the commanding officer shall provide the
4 person with a written explanation for the delay as soon as possible.

5 **Sec. 26.05.473. Advice of judge advocate and reference for trial.** (a) Before
6 directing the trial of a charge by general court-martial, the convening authority shall
7 refer it to a judge advocate for consideration and advice. The convening authority may
8 not refer a specification under a charge to a general court-martial for trial unless the
9 convening authority has been advised in writing by a judge advocate that

10 (1) the specification alleges an offense under this chapter;

11 (2) the specification is warranted by the evidence set out in the report
12 of investigation under AS 26.05.468, if there is a report; and

13 (3) a court-martial has jurisdiction over the accused and the offense.

14 (b) The advice of the judge advocate under (a) of this section with respect to a
15 specification under a charge shall include a written and signed statement by the judge
16 advocate

17 (1) stating the judge advocate's conclusions with respect to each matter
18 set out in (a) of this section; and

19 (2) recommending to the convening authority what action to take
20 regarding the specification; if the specification is referred for trial, the
21 recommendation of the judge advocate must accompany the specification.

22 (c) If a charge or specification is not in the correct form or does not conform
23 to the substance of the evidence set out in the investigating officer's report, the
24 convening authority, with the advice of the judge advocate, may correct the charge or
25 specification to conform to the evidence.

26 **Sec. 26.05.475. Service of charges.** A trial counsel shall serve or cause to be
27 served on the accused a copy of the charges. A person may not, against the person's
28 objection, be brought to trial before a general court-martial within five days after the
29 service of charges on the person, or before a special court-martial within three days
30 after the service of charges on the person.

31 **Sec. 26.05.478. Unlawfully influencing the action of a court.** (a) An

1 authority convening a general, special, or summary court-martial, a commanding
2 officer, or an officer serving on the staff of a convening authority or commanding
3 officer may not censure, reprimand, or admonish the court, a member of the court, the
4 military judge, or counsel appearing before the court, with respect to the findings of or
5 sentence imposed by the court, or with respect to another exercise of the respective
6 functions of the court, a member of the court, the military judge, or counsel appearing
7 before the court in the conduct of the proceedings.

8 (b) A member of the militia may not attempt to coerce or, by unauthorized
9 means, influence the action of a court-martial or a member of a court, in reaching the
10 findings or sentence in a case, or the action of a convening, approving, or reviewing
11 authority with respect to a judicial act. This subsection does not apply to

12 (1) general instructional or informational courses in military justice if
13 the courses are designed solely for the purpose of instructing members of a command
14 in the substantive and procedural aspects of courts-martial; or

15 (2) statements and instructions given in open court by the military
16 judge, summary court-martial officer, or counsel.

17 (c) A member of the militia may not, in the preparation of an effectiveness,
18 fitness, or efficiency report, or any other report or document used, in whole or in part,
19 for the purpose of determining whether a member of the militia of the state is qualified
20 to be advanced in grade, in determining the assignment or transfer of a member of the
21 militia of the state, or in determining whether a member of the militia of the state
22 should be retained on active status,

23 (1) consider or evaluate the performance of duty of the member as a
24 member of a court-martial or witness; or

25 (2) give a less favorable rating or evaluation of any counsel for the
26 accused because of zealous representation before a court-martial.

27 (d) In this section, "unauthorized" means contrary to a statute or regulation of
28 the United States or the state.

29 **Sec. 26.05.480. Continuances.** The military judge of a general, special, or
30 summary court-martial may, for reasonable cause, grant a continuance to a party for
31 the time, and as often, as justice requires.

1 **Sec. 26.05.483. Oaths or affirmations.** (a) Before performing their respective
2 duties, military judges, general and special court-martial members, trial counsel,
3 defense counsel, reporters, and interpreters shall take an oath or affirmation in the
4 presence of the accused that they will perform their duties faithfully.

5 (b) The form of the oath or affirmation, the time and place of taking, the
6 manner of recording, and a determination of whether the oath or affirmation shall be
7 taken for all cases in which the duties are to be performed or for a particular case, shall
8 be prescribed by rules of procedure. The rules may provide that, if a person takes an
9 oath or affirmation with respect to a duty, the person need not take the oath or
10 affirmation again on detailment to the duty.

11 (c) A witness before a court-martial shall be examined under oath or
12 affirmation.

13 **Sec. 26.05.485. Statute of limitations.** (a) A person charged with an offense
14 under this chapter may not be tried or punished for the offense unless the person
15 received sworn charges and specifications issued by an officer exercising court-martial
16 jurisdiction over the command not later than three years after the commission of the
17 offense or not later than two years after commission of the offense if the imposition of
18 nonjudicial punishment is sought for the offense under the code of military justice.

19 (b) A period when the accused is absent without authority or fleeing from
20 justice shall be excluded in computing the period of limitation in this section.

21 (c) A period when the accused is absent from territory in which the proper
22 authority has the ability to apprehend the accused, in the custody of civil authorities,
23 or in the hands of the enemy, shall be excluded in computing the period of limitation
24 in this section.

25 (d) When the United States is at war declared by the United States Congress or
26 engaged in contingency operations ordered by the President of the United States, and
27 those operations actually prevented the discovery of the offending behavior or the
28 timely bringing of charges, as determined by a military judge at court-martial, the
29 running of a period of limitation for an offense under this chapter is suspended until
30 two years after the termination of hostilities as proclaimed by the President of the
31 United States or by a joint resolution of the United States Congress if the offense

1 (1) involves fraud or attempted fraud against the United States, a state,
2 or an agency of either, including a conspiracy to commit fraud;

3 (2) is committed in connection with the acquisition, care, handling,
4 custody, control, or disposition of real or personal property of the United States or a
5 state; or

6 (3) is committed in connection with the negotiation, procurement,
7 award, performance, payment, interim financing, cancellation, or other termination or
8 settlement, of a contract, subcontract, or purchase order that is connected with or
9 related to the prosecution of the war, or with the disposition of inventory by a war
10 contractor or government agency.

11 (e) If charges or specifications are dismissed as defective or insufficient for
12 any cause, and the period prescribed by the applicable statute of limitations has
13 expired or will expire within 180 days after the date of dismissal of the charges and
14 specifications, trial and punishment under new charges and specifications are not
15 barred by the statute of limitations if the new charges and specifications

16 (1) are received by an officer exercising summary court-martial
17 jurisdiction over the command within 180 days after the dismissal of the charges or
18 specifications;

19 (2) allege the same acts or omissions that were alleged in the dismissed
20 charges or specifications or acts or omissions that were included in the dismissed
21 charges or specifications.

22 **Sec. 26.05.488. Former jeopardy.** Former jeopardy protections provided to a
23 member of the militia are equivalent to those provided under art. 1, sec. 9,
24 Constitution of the State of Alaska, and under the Double Jeopardy Clause of the Fifth
25 Amendment to the United States Constitution.

26 **Sec. 26.05.490. Pleas of the accused.** (a) If, after arraignment, an accused
27 makes an irregular pleading or, after a plea of guilty, initiates an action inconsistent
28 with the plea, or if the accused appears to have entered the plea of guilty
29 improvidently or through lack of understanding of its meaning and effect, or if the
30 accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and
31 the court shall proceed as though the accused had pleaded not guilty.

1 (b) With respect to a charge or specification to which a plea of guilty has been
2 made by the accused and accepted by the military judge or by a court-martial without
3 a military judge, a finding of guilty of the charge or specification may be entered
4 immediately without vote. This finding shall constitute the finding of the court unless
5 the plea of guilty is withdrawn before announcement of the sentence, in which event,
6 the proceedings shall continue as though the accused had pleaded not guilty.

7 **Sec. 26.05.493. Subpoena; process of military courts.** (a) A military judge,
8 the president of a court-martial, or a summary court-martial officer may issue
9 subpoenas and subpoenas duces tecum for the attendance of witnesses and production
10 of books and records, if the courts are sitting within the state and the witnesses, books,
11 and records sought are located in the state. A subpoena may be served by a person
12 designated by the military judge, the president of the court-martial, or summary court-
13 martial officer.

14 (b) If a person who is not a member of the militia of the state fails to comply
15 with a subpoena issued under this section, the military judge, president of the court-
16 martial, or summary court-martial officer may apply to a state court for an order to
17 compel obedience by proceedings for contempt as if the subpoena had been issued by
18 a court. The military judge, president of the court-martial, or summary court-martial
19 officer may request the attorney general to bring the action.

20 (c) A person who is not a member of the militia, who has been subpoenaed to
21 appear as a witness or to produce books and records before a court-martial or before a
22 military or civil officer designated to take a deposition to be read in evidence before a
23 court-martial, who has been paid or tendered the fees and mileage of a witness at the
24 rates allowed to witnesses attending a criminal court of the state, and who wilfully
25 neglects or refuses to appear or refuses to qualify as a witness or to testify or to
26 produce evidence that the person may have been legally subpoenaed to produce is
27 guilty of a violation and may be charged and punished as provided in AS 12.55.

28 **Sec. 26.05.495. Contempt.** (a) A military judge or summary court-martial
29 officer may punish for contempt a person who uses a menacing word, sign, or gesture
30 in its presence, or who disturbs its proceedings by any riot or disorder.

31 (b) A military judge or summary court-martial officer may punish a member

1 of the militia for contempt as provided in AS 09.50.020 for civil contempt.

2 (c) A military judge or summary court-martial officer may punish a person
3 who is not a member of the militia for direct contempt as provided in AS 09.50.020
4 for civil contempt.

5 **Sec. 26.05.498. Defense of insanity.** (a) The accused may assert the
6 affirmative defense of insanity as provided in AS 12.47.010. If the accused gives
7 notice of the defense, the accused shall file with the military judge the notice required
8 by AS 12.47.090.

9 (b) If the accused asserts the defense of insanity under (a) of this section, the
10 court shall order an examination to be conducted that meets the standards of
11 AS 12.47.070.

12 (c) If the defense of insanity is properly at issue, the military judge shall
13 instruct the members of the court as to the defense and charge them to find the accused

14 (1) guilty;

15 (2) not guilty; or

16 (3) not guilty by reason of insanity.

17 (d) The accused may be found not guilty by reason of insanity if

18 (1) a majority of the members of the court-martial present at the time
19 the vote is taken determines that the defense of insanity has been established; or

20 (2) in the case of a court-martial composed of a military judge or a
21 summary court-martial officer sitting without court members, the military judge or
22 summary court-martial officer determines that the defense of insanity has been
23 established.

24 (e) In the case of a court-martial composed of a military judge or a summary
25 court-martial officer sitting without court members, if the defense of insanity is
26 properly at issue, the military judge or summary court-martial officer shall find the
27 accused

28 (1) guilty;

29 (2) not guilty; or

30 (3) not guilty by reason of insanity.

31 (f) If an accused is found not guilty by reason of insanity, trial counsel shall,

1 within 24 hours, file a petition under AS 47.30.700 for a screening investigation to
2 determine the need for treatment if trial counsel has good cause to believe that the
3 defendant is suffering from a mental illness and, as a result, is gravely disabled or
4 likely to cause serious harm to self or others. In this subsection, "mental illness" has
5 the meaning given in AS 47.30.915.

6 **Sec. 26.05.500. Lack of mental capacity or mental responsibility;**
7 **commitment of accused for examination and treatment.** (a) An accused who, as a
8 result of a mental disease or defect that renders the accused incompetent to the extent
9 that the accused is unable to understand the nature of the proceedings or to conduct or
10 cooperate intelligently in the defense of the case, may not be tried, convicted, or
11 sentenced for an offense under this chapter as long as the incompetency exists.

12 (b) If trial counsel or defense counsel has reason to believe that the accused is
13 unable to understand the nature of the proceedings or to conduct or cooperate
14 intelligently in the defense of the case, counsel may file a motion with the military
15 judge assigned to the case for a determination of the competency of the accused. Upon
16 the motion, or on the judge's own motion, the court shall order an examination to be
17 conducted and make a determination in accordance with the requirements of
18 AS 12.47.100. If the military judge determines that the accused must be committed for
19 the purpose of examination, and the accused is not otherwise subject to commitment
20 under AS 47.30.700 - 47.30.915, the military judge shall order the convening authority
21 to seek the assistance of the attorney general in seeking a commitment under
22 AS 12.47.100.

23 (c) If the military court determines that the accused is incompetent to stand
24 trial and the accused is not otherwise subject to commitment under AS 47.30.700 -
25 47.30.915, the military judge shall order the convening authority to seek the assistance
26 of the attorney general in seeking a commitment under AS 12.47.110.

27 (d) If, at the end of a period of commitment under (b) and (c) of this section, it
28 is determined that the accused's mental condition has not improved so as to permit the
29 trial to proceed, the charges shall be dismissed without prejudice, and continued
30 commitment proceedings shall be governed by the provisions relating to civil
31 commitment under AS 47.30.700 - 47.30.915. If the accused remains incompetent for

1 five years after the charges have been dismissed under this subsection, the accused
2 may not be charged again for an offense under this chapter arising out of the facts
3 alleged in the original charges.

4 (e) When the custodian of an accused person hospitalized under (c) of this
5 section determines that the person has recovered to the extent that the accused is able
6 to understand the nature of the proceedings against the accused and to conduct or
7 cooperate intelligently in the defense of the case, the custodian shall promptly transmit
8 a notification of the determination to the general court-martial convening authority for
9 the accused and trial and defense counsel.

10 (f) Upon receipt of the notice, the convening authority shall promptly take
11 custody of the accused unless the accused is no longer a member of the militia.

12 (g) If the accused remains a member of the militia, the military judge detailed
13 to the case shall conduct the hearing required under AS 12.47.120. If the judge finds
14 the accused competent, the court-martial shall be assembled.

15 (h) The custodian of the accused person may retain custody of the person for
16 not more than 30 days after transmitting the notifications required under (e) of this
17 section.

18 (i) If, during a period of commitment under this section, the accused is no
19 longer a member of the militia, the convening authority shall promptly notify the
20 custodian and the attorney general; the custodian and the attorney general may take
21 further action that is legally permissible.

22 **Sec. 26.05.503. Voting and rulings.** (a) Voting by members of a general or
23 special court-martial on the findings and on the sentence shall be by secret written
24 ballot. The junior member of the court shall count the votes. The count shall be
25 checked by the president, who shall immediately announce the result of the ballot to
26 the members of the court on the record, in an open court, and in the presence of all
27 parties to the trial.

28 (b) The military judge shall rule on all questions of law and all interlocutory
29 questions arising during the proceedings. A ruling made by the military judge on a
30 question of law or an interlocutory question, other than the factual issue of mental
31 responsibility of the accused, is final and constitutes the ruling of the court. However,

1 the military judge may change the ruling at any time during the trial before a vote is
2 taken on the findings. Unless the ruling is final, if a member objects to a ruling, the
3 court shall be cleared and closed, and the question shall be decided by a voice vote as
4 provided in AS 26.05.505, beginning with the junior in rank.

5 (c) Before a vote is taken on the findings, the military judge shall, in the
6 presence of the accused and counsel, instruct the members of the court as to the
7 elements of the offense under this chapter and charge them that

8 (1) the accused is presumed to be innocent until the guilt of the
9 accused is established by legal and competent evidence beyond a reasonable doubt;

10 (2) if there is a reasonable doubt as to the guilt of the accused, the
11 doubt must be resolved in favor of the accused, and the accused must be acquitted;

12 (3) if there is a reasonable doubt as to the degree of guilt, a finding of
13 guilt must be in a lower degree as to which there is no reasonable doubt; and

14 (4) the burden of proof to establish the guilt of the accused beyond a
15 reasonable doubt is on the state.

16 (d) A military judge sitting without court members shall

17 (1) determine all questions of law and fact arising during the
18 proceedings and, if the accused is convicted, adjudge an appropriate sentence;

19 (2) make a general finding and shall, in addition, on request, find the
20 facts specially.

21 (e) If a military judge sitting without court members files an opinion or
22 memorandum of decision, the opinion or memorandum of decision is sufficient if the
23 findings of fact appear in the opinion or memorandum of decision.

24 **Sec. 26.05.505. Number of votes required.** (a) A person may not be convicted
25 of an offense under this chapter that is tried by a court-martial unless by the
26 unanimous verdict of the members of the court present at the time the vote is taken.

27 (b) All other questions to be decided by the members of a general or special
28 court-martial shall be determined by a majority vote, but a determination to reconsider
29 a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may
30 be made by any lesser vote that indicates that the reconsideration is not opposed by the
31 number of votes required for that finding or sentence. A tie vote on a challenge

1 disqualifies the member challenged. A tie vote on any other question is a
2 determination in favor of the accused.

3 **Sec. 26.05.508. Record of trial.** (a) Each general and special court-martial
4 shall keep a separate record of the proceedings in each case brought before it, and the
5 record must be authenticated by the signature of the military judge. If the military
6 judge cannot authenticate the record because of the military judge's death, disability,
7 or absence, the record shall be authenticated by the signature of the trial counsel or, if
8 the trial counsel is unable to authenticate the record because of the trial counsel's
9 death, disability, or absence, then by the signature of a member of the court. In a
10 court-martial consisting of only a military judge, the record shall be authenticated by
11 the court reporter under the same conditions that would impose a duty on a member
12 under this subsection.

13 (b) In each general and special court-martial case resulting in a conviction, a
14 complete verbatim record of the proceedings and testimony shall be prepared. In all
15 other court-martial cases, the record shall contain the matters as may be prescribed by
16 rules of procedure.

17 (c) Each summary court-martial shall keep a separate record of the
18 proceedings in each case, and the record shall be authenticated in the manner as may
19 be prescribed by rules of procedure.

20 (d) A copy of the record of the proceedings of each general and special court-
21 martial shall be given to the accused as soon as the record is authenticated.

22 **Sec. 26.05.510. Cruel and unusual punishments prohibited.** A court-martial
23 may not impose on a member of the militia punishment by flogging, branding,
24 marking, or tattooing on the body, or another cruel or unusual punishment. The use of
25 irons, single or double, except for the purpose of safe custody, is prohibited.

26 **Sec. 26.05.513. Punishments; maximum limits.** (a) A court-martial may not
27 impose a punishment that exceeds the limits set out in the code of military justice and
28 may not impose a sentence of death. A sentence of confinement imposed under this
29 chapter may not exceed 10 years. An offense under this chapter for which a sentence
30 of confinement for a term of more than one year is imposed is a felony offense. Except
31 for convictions by a summary court-martial and except as otherwise specifically

1 provided in the code of military justice, all other offenses under this chapter for which
2 a sentence of confinement for a term of one year or less is imposed are misdemeanors.
3 A conviction by a summary court-martial is a violation.

4 (b) A nonjudicial punishment may not include a sentence of confinement or
5 separation from military service.

6 **Sec. 26.05.515. Deferment of sentences.** (a) If an accused is under sentence to
7 confinement that has not yet been ordered executed, the convening authority or, if the
8 accused is no longer under the convening authority's jurisdiction, the person exercising
9 general court-martial jurisdiction over the command to which the accused is currently
10 detailed may, in that person's sole discretion, defer service of the sentence to
11 confinement. The deferment terminates when the sentence is ordered to be executed.
12 The deferment may be rescinded at any time by the authority who granted it or, if the
13 accused is no longer under that person's jurisdiction, by the person exercising general
14 court-martial jurisdiction over the command to which the accused is currently detailed.

15 (b) If a court-martial sentences an accused to confinement, the convening
16 authority may, without the consent of the accused, defer the service of the sentence
17 until after the accused has been permanently released to the militia of the state by a
18 state, the United States, or a foreign country

19 (1) that had custody of the accused;

20 (2) that temporarily returned the accused to the militia of the state for
21 trial by court-martial; and

22 (3) to which, after the court-martial, the militia of the state returned the
23 accused under the authority of a mutual agreement or treaty.

24 (c) In a case in which a court-martial sentences an accused to confinement and
25 the sentence to confinement has been ordered executed, but in which review of the
26 case under AS 26.05.525, 26.05.538, or 26.05.540 is pending, the adjutant general
27 may defer further service of the sentence to confinement while that review is pending.

28 (d) In (b) of this section, "state" includes the District of Columbia and any
29 commonwealth, territory, or possession of the United States.

30 **Sec. 26.05.518. Execution of confinement.** A person must serve a sentence of
31 confinement imposed by a court-martial, whether or not the sentence includes

1 discharge or dismissal from the militia of the state, and whether or not the discharge or
2 dismissal has been executed. The sentence may be carried into execution by
3 confinement in a place authorized by the code of military justice. A person confined
4 under the code of military justice is subject to the same discipline and treatment as
5 other persons confined or committed to the place of confinement.

6 **Sec. 26.05.520. Error of law; lesser included offense.** (a) A finding or
7 sentence of a court-martial may not be held incorrect on the ground of an error of law
8 unless the error materially prejudices the substantial rights of the accused.

9 (b) A reviewing authority authorized under the code of military justice to
10 approve or affirm a finding of guilt may approve or affirm, instead, so much of the
11 finding as includes a lesser included offense under this chapter.

12 **Sec. 26.05.523. Withdrawal of appeal.** In a case subject to appellate review
13 under the code of military justice, the accused may, at any time, file with the
14 convening authority a written statement expressly withdrawing the right of the accused
15 to the appeal. The withdrawal shall be signed by both the accused and the accused's
16 defense counsel and filed in accordance with rules of procedure.

17 **Sec. 26.05.525. Appeal by the state.** (a) In a trial by court-martial in which a
18 punitive discharge may be imposed, the state may appeal to the Military Appeals
19 Commission established under this chapter

20 (1) an order or ruling of the military judge that terminates the
21 proceedings with respect to a charge or specification;

22 (2) an order or ruling that excludes evidence that is substantial proof of
23 a fact material in the proceeding;

24 (3) an order or ruling that directs the disclosure of classified
25 information;

26 (4) an order or ruling that imposes sanctions for nondisclosure of
27 classified information;

28 (5) the refusal of the military judge to issue a protective order sought
29 by the prosecution to prevent the disclosure of classified information;

30 (6) the refusal of the military judge to enforce an order issued under
31 (a)(5) of this section that was previously issued by an appropriate authority.

1 (b) An appeal of an order or ruling may not be taken unless the trial counsel
2 provides the military judge with written notice of appeal from the order or ruling
3 within 72 hours after the order or ruling. The notice must include a certification by the
4 trial counsel that the appeal is not taken for the purpose of delay and, if the order or
5 ruling appealed is one that excludes evidence, that the evidence excluded is substantial
6 proof of a fact material in the proceeding.

7 (c) An appeal under this section shall be forwarded to the Military Appeals
8 Commission under AS 26.05.538. In ruling on the appeal, the Military Appeals
9 Commission may act only with respect to matters of law.

10 (d) A period of delay resulting from an appeal under this section shall be
11 excluded in deciding an issue involving the denial of a speedy trial, unless an
12 appropriate authority determines that the appeal was filed solely for the purpose of
13 delay with the knowledge that it was frivolous and without merit.

14 (e) The state may not appeal a finding of not guilty with respect to a charge or
15 specification by the members of the court-martial, or by a judge in a bench trial if the
16 finding was not made on reconsideration.

17 **Sec. 26.05.528. Vacation of suspension.** (a) A probationer serving a period of
18 probation under a sentence suspended by a special court-martial that, as approved,
19 includes a bad-conduct discharge, or a suspended general court-martial sentence, is
20 entitled to a hearing before the suspension is vacated. The probationer shall be
21 represented at the hearing by military counsel if the probationer requests
22 representation.

23 (b) If the suspended sentence was imposed by a special court-martial, the
24 officer having special court-martial jurisdiction over the probationer shall hold a
25 hearing on the alleged violation of probation. The record of the hearing and the
26 recommendation of the officer having special court-martial jurisdiction shall be sent
27 for action to the officer exercising general court-martial jurisdiction over the
28 probationer. If the officer vacates the suspension, the unexecuted part of the sentence,
29 except a dismissal, shall be executed, subject to applicable restrictions in the code of
30 military justice.

31 (c) The suspension of another sentence may be vacated by an authority for the

1 command in which the accused is serving or detailed who is competent to convene a
2 court of the kind that imposed the sentence.

3 **Sec. 26.05.530. Petition for a new trial.** At any time within two years after
4 approval by the convening authority of a court-martial sentence, the accused may
5 petition the adjutant general for a new trial on the grounds of newly discovered
6 evidence or fraud on the court-martial.

7 **Sec. 26.05.533. Restoration.** (a) All rights, privileges, and property affected
8 by an executed part of a court-martial sentence that has been set aside or disapproved,
9 except an executed dismissal or discharge, shall be restored unless a new trial or
10 rehearing is ordered and the executed part is included in a sentence imposed on the
11 new trial or rehearing.

12 (b) If a previously executed sentence of dishonorable or bad-conduct
13 discharge is not imposed on a new trial, the governor may substitute an administrative
14 form of discharge unless the accused is to serve out the remainder of the accused's
15 enlistment.

16 (c) If a previously executed sentence of dismissal is not imposed on a new
17 trial, the governor may substitute an administrative form of discharge, and a
18 commissioned officer dismissed under the original sentence may be reappointed by the
19 governor alone to the commissioned grade and rank that, in the opinion of the
20 governor, the former officer would have attained had the officer not been dismissed.
21 The reappointment of the former officer shall be without regard to the existence of a
22 vacancy and shall affect the promotion status of other officers only to the extent the
23 governor may direct. The time between the dismissal and the reappointment shall be
24 considered as actual service for all purposes, including the right to pay and
25 allowances.

26 **Sec. 26.05.535. Leave required to be taken pending review of court-**
27 **martial convictions.** In accordance with rules adopted under AS 26.05.380, an
28 accused who has been sentenced by a court-martial may be required to take leave
29 pending completion of action under this section if the sentence includes an
30 unsuspended dismissal or an unsuspended dishonorable or bad-conduct discharge. The
31 accused may be required to begin the leave on the date on which the sentence is

1 approved under the code of military justice, or at any time after that date, and the leave
2 may be continued until the date on which action under this section is completed, or
3 may be terminated at an earlier time.

4 **Sec. 26.05.538. Military Appeals Commission.** (a) The Military Appeals
5 Commission is established in the Department of Military and Veterans' Affairs. The
6 commission is a quasi-judicial agency.

7 (b) The commission has

8 (1) jurisdiction to hear appeals from courts-martial by the

9 (A) state in accordance with AS 26.05.525; and

10 (B) accused regarding sentences, punishments, clearly
11 erroneous findings, and matters of law; and

12 (2) the discretion to remand those cases to a competent court martial.

13 (c) The commission consists of three members appointed by the governor and
14 confirmed by a majority of the members of the legislature in joint session. A member
15 shall be a resident of this state and

16 (1) be licensed to practice law

17 (A) in this state and be a member in good standing with the
18 Alaska Bar Association;

19 (B) in another state and be a member in good standing of the
20 bar of that state; or

21 (C) as a member of the bar of a federal court;

22 (2) have engaged in the active practice of law for at least five years;

23 (3) be a former commissioned officer in the armed forces of the United
24 States or the reserve components, or in the militia of a state; and

25 (4) have at least five years' experience as an officer in the judge
26 advocate general's corps of the armed forces of the United States or the militia of the
27 state.

28 (d) Except as provided in AS 39.05.080(4), an appointee selected to fill a
29 vacancy shall hold office for the unexpired term of the member whose vacancy is
30 filled. A vacancy in the commission does not impair the authority of a quorum of
31 members to exercise the powers and perform the duties of the commission.

1 (e) A member may be reappointed if the reappointment complies with this
2 section.

3 (f) The members of the commission shall select a chair from among the
4 members of the commission. The selection shall be subject to the approval of the
5 adjutant general.

6 (g) The governor may remove a commissioner from office for cause including
7 incompetence, neglect of duty, or misconduct in office. A commissioner, to be
8 removed for cause, shall be given a copy of the charges and offered an opportunity to
9 be publicly heard in person or by counsel in the commissioner's own defense upon not
10 less than 10 days' notice. If a commissioner is removed for cause, the governor shall
11 file with the lieutenant governor a complete statement of all charges made against the
12 commissioner and the governor's finding based on the charges, together with a
13 complete record of the proceedings.

14 (h) The adjutant general shall adopt regulations to govern appellate procedure
15 before the Military Appeals Commission. The regulations shall be substantially similar
16 to the provisions for post-trial procedure and review of courts-martial under 10 U.S.C.
17 801 - 946. The regulations must be approved by the governor. Regulations adopted
18 under this section are exempt from AS 44.62 (Administrative Procedure Act).

19 (i) The governor may appoint an alternate member, who will serve temporarily
20 in cases where a Military Appeals Commission member is removed or otherwise
21 unavailable to perform the duties of a commission member. The alternate member
22 must be confirmed by a majority of the members of the legislature in joint session and
23 otherwise meet the qualifications specified in (c) of this section.

24 **Sec. 26.05.540. Review by civilian court.** (a) After exhausting all remedies
25 available under the code of military justice, a party may file a petition for review in the
26 Alaska supreme court from a final decision of the Military Appeals Commission that
27 upholds a conviction and sentence imposed by a general or special court-martial for an
28 offense under this chapter if the sentence

29 (1) includes confinement imposed under the code of military justice;

30 and

31 (2) meets the criteria for appeal under AS 12.55.120.

1 (b) A decision by the Alaska supreme court on a matter reviewed under a
2 petition filed under (a) of this section is final and binding on all parties, the Military
3 Appeals Commission, and the court-martial.

4 (c) A party filing a petition for review under this section shall comply with the
5 rules of court applicable to petitions for review in the appellate courts, including the
6 deadlines for filing.

7 **Sec. 26.05.543. Appellate and civilian counsel.** (a) If the attorney general
8 requests representation, the senior force judge advocate shall detail a judge advocate
9 as appellate counsel to represent the state in a proceeding filed under AS 26.05.538 as
10 civilian counsel, in a petition filed under AS 26.05.540, or as counsel before any
11 federal court.

12 (b) The accused has the right to be represented by detailed military counsel
13 before the Military Appeals Commission under AS 26.05.538 and before the
14 reviewing court in a petition filed under AS 26.05.540.

15 (c) Upon the request of an accused entitled to be represented under (b) of this
16 section, the senior force judge advocate shall detail a judge advocate to represent the
17 accused in a review or appeal. Counsel detailed under this subsection shall meet the
18 criteria for counsel under AS 26.05.455(d).

19 (d) A person who has acted as investigating officer, trial counsel, military
20 judge, witness, or court member in the case may not act as civilian review counsel for
21 the accused detailed under (c) of this section.

22 (e) An accused may choose to be represented by civilian counsel at the
23 expense of the accused.

24 **Sec. 26.05.545. Authority to administer oaths and act as notary public.** (a)
25 The following persons may administer oaths for the purposes of military
26 administration, including military justice:

- 27 (1) a judge advocate;
28 (2) a summary court-martial;
29 (3) the adjutant general and assistant adjutant generals;
30 (4) a commanding officer of the militia;
31 (5) a person authorized by federal or state statute or regulation or by

1 regulations of the armed forces of the United States or the state to administer oaths or
2 act as a notary public.

3 (b) The following persons may administer oaths necessary in the performance
4 of their duties:

5 (1) the president, military judge, and trial counsel for general and
6 special courts-martial;

7 (2) an officer designated to take a deposition;

8 (3) a person detailed to conduct an investigation;

9 (4) a recruiting officer;

10 (5) a person authorized by federal or state statute or regulation or by
11 regulations of the armed forces of the United States to administer oaths or act as a
12 notary public.

13 (c) The person's signature without seal, together with the title of the person's
14 office, is prima facie evidence of the person's authority to administer oaths and act as a
15 notary public under this section.

16 **Sec. 26.05.550. Delegation by the governor.** The governor may delegate any
17 authority vested in the governor under the code of military justice, and provide for the
18 subdelegation of the authority, except the powers given to the governor by
19 AS 26.05.170 and 26.05.445.

20 **Sec. 26.05.553. Military justice account.** (a) The military justice account is
21 established in the general fund for the purpose of paying the expenses of the
22 department in carrying out its duties relating to the code of military justice, including
23 the fees and authorized travel expenses of witnesses, experts, victims, court reporters,
24 and interpreters, fees for the service of process, costs of collection, apprehension,
25 detention and confinement, pay and allowances for court-martial duty, and all other
26 necessary expenses of the prosecution and administration of military justice not
27 otherwise payable by another source.

28 (b) The account consists of money appropriated to it by the legislature and
29 interest received on money in the account.

30 (c) The department may use money appropriated to the account to pay for
31 expenses related to the duties described in (a) of this section.

1 (d) Money appropriated to the account does not lapse.

2 (e) Nothing in this section creates a dedicated fund.

3 (f) In this section, "account" means the military justice account established
4 under (a) of this section.

5 **Sec. 26.05.555. Payment, collection, and deposit of fines.** (a) A fine imposed
6 by a military court or through the imposition of nonjudicial punishment may be paid to
7 the state and delivered to the court or imposing officer, or to a person executing
8 process.

9 (b) If the person on whom the fine was imposed fails to pay, the department
10 may collect the fine by

11 (1) retaining pay or allowances due or to become due to the person
12 fined from the militia of the state or the United States;

13 (2) garnishment or levy, together with costs, on the wages, goods, and
14 property of a person delinquent in paying a fine in accordance with AS 09.38.

15 (c) A fine or penalty required to be paid under this section shall be deposited
16 into the general fund and accounted for under AS 37.05.142.

17 **Sec. 26.05.558. Pay and allowances for court-martial duty.** For each day of
18 duty as a member of a general court-martial, or as a witness under summons from the
19 president or judge advocate of the court, officers and enlisted persons shall be paid as
20 provided in AS 26.05.260(b).

21 **Sec. 26.05.560. Uniformity of interpretation.** The code of military justice
22 shall be construed to carry out their general purpose and, so far as practicable, in a
23 manner uniform with 10 U.S.C. 801 - 946.

24 **Sec. 26.05.563. Immunity for action of military courts.** A person acting
25 under the code of military justice, whether as a member of the militia or as a civilian,
26 shall be immune from any personal liability for any of the acts or omissions that the
27 person did or failed to do as part of the person's duties under the code of military
28 justice.

29 **Sec. 26.05.577. Principals.** A member of the militia who commits an offense
30 under this chapter, or aids, abets, counsels, commands, solicits, or procures the
31 commission of the offense, or causes an act to be done that, if directly performed by

1 the member, would be punishable under this chapter, is a principal.

2 **Sec. 26.05.578. Accessory after the fact.** A member of the militia who,
3 knowing that an offense under this chapter has been committed, receives, comforts, or
4 assists the offender in order to hinder or prevent the offender's apprehension, trial, or
5 punishment may be punished by up to one year of confinement, by separation with
6 characterization up to dishonorable discharge, and by such other punishment as a
7 court-martial may direct.

8 **Sec. 26.05.579. Conviction of lesser included offense.** An accused may be
9 found guilty of an offense necessarily included in the offense charged or of an attempt
10 to commit either the offense under this chapter charged or an offense necessarily
11 included in the offense charged.

12 **Sec. 26.05.580. Attempts.** (a) An act done with specific intent to commit an
13 offense under this chapter that amounts to more than mere preparation and tends, even
14 though failing, to effect its commission, is an attempt to commit the offense.

15 (b) A member of the militia who attempts to commit an offense under this
16 chapter may be punished as a court-martial may direct, unless otherwise specifically
17 prescribed. However, a court-martial may not direct a punishment for an attempt to
18 commit an offense that is greater than the maximum punishment for the offense.

19 (c) A member of the militia may be convicted of an attempt to commit an
20 offense under this chapter even if it appears, at the trial, that the offense was
21 consummated.

22 **Sec. 26.05.581. Conspiracy.** A member of the militia who conspires with
23 another person to commit an offense under this chapter may, if one or more of the
24 conspirators does an act to effect the object of the conspiracy, be punished as a court-
25 martial may direct, unless otherwise specifically prescribed. However, a court-martial
26 may not direct a punishment for conspiracy to commit an offense that is greater than
27 the maximum punishment for the offense.

28 **Sec. 26.05.582. Solicitation.** (a) A member of the militia who solicits or
29 advises another or others to desert in violation of AS 26.05.585 or to mutiny in
30 violation of AS 26.05.594 may, if the offense solicited or advised is attempted or
31 committed, be punished with the punishment provided for the commission of the

1 offense, but, if the offense solicited or advised is not attempted or committed, the
 2 member may be punished by up to one year of confinement, by separation with
 3 characterization up to dishonorable discharge, and by such other punishment as a
 4 court-martial may direct.

5 (b) A member of the militia who solicits or advises another or others to
 6 commit an act of misbehavior before the enemy in violation of AS 26.05.599 or an act
 7 of sedition in violation of AS 26.05.594 may, if the offense solicited or advised is
 8 committed, be punished with the punishment provided for the commission of the
 9 offense, but, if the offense solicited or advised is not committed, the member may be
 10 punished by up to one year of confinement, by separation with characterization up to
 11 dishonorable discharge, and by such other punishment as a court-martial may direct.

12 **Sec. 26.05.583. Fraudulent enlistment, appointment, or separation.** A
 13 person who procures the person's own enlistment or appointment in the militia of the
 14 state by knowingly false representation or deliberate concealment as to the person's
 15 qualifications for the enlistment or appointment and receives pay or allowances under
 16 the enlistment or appointment, or procures the person's own separation from the
 17 militia of the state by knowingly false representation or deliberate concealment as to
 18 the person's eligibility for that separation, may be punished by up to one year of
 19 confinement, by separation with characterization up to dishonorable discharge, and by
 20 such other punishment as a court-martial may direct.

21 **Sec. 26.05.584. Unlawful enlistment, appointment, or separation.** A
 22 member of the militia who effects an enlistment or appointment in or a separation
 23 from the militia of the state of a person who is known to the member to be ineligible
 24 for that enlistment, appointment, or separation because it is prohibited by law,
 25 regulation, or order may be punished by up to one year of confinement, by separation
 26 with characterization up to dishonorable discharge, and by such other punishment as a
 27 court-martial may direct.

28 **Sec. 26.05.585. Desertion.** (a) A person is guilty of desertion if the person is a
 29 member of the militia and

30 (1) without authority, goes or remains absent from the person's unit,
 31 organization, or place of duty with intent to remain away from the unit, organization,

1 or place of duty permanently;

2 (2) quits the person's unit, organization, or place of duty with intent to
3 avoid hazardous duty or to shirk important service; or

4 (3) without being regularly separated from one force of the militia of
5 the state,

6 (A) enlists or accepts an appointment in the same or another
7 force of the militia of the state, the military forces of another state, or in one of
8 the armed forces of the United States, without fully disclosing the fact that the
9 person has not been regularly separated; or

10 (B) enters a foreign armed service except when authorized by
11 the United States.

12 (b) A commissioned officer of the militia commits the offense of desertion if,
13 after tender of the officer's resignation and before notice of its acceptance, the officer
14 quits the officer's post or proper duties without leave and with intent to remain away
15 permanently.

16 (c) A person found guilty of desertion or attempt to desert may be punished, if
17 the offense is committed in time of war, or emergency as described in AS 26.05.070,

18 (1) by confinement of not more than 10 years, by separation with a
19 characterization up to dishonorable discharge or by such other punishment as a court-
20 martial may direct if the offense is committed in time of war;

21 (2) by up to one year of confinement, by separation with
22 characterization up to dishonorable discharge, and by such other punishment as a
23 court-martial may direct if the desertion or attempt to desert occurs at a time other than
24 a time of war.

25 **Sec. 26.05.586. Absence without leave.** A member of the militia who, without
26 authority, (1) fails to go to the member's appointed place of duty at the time
27 prescribed, (2) goes from the member's place of duty, or (3) is absent or remains
28 absent from the member's unit, organization, or place of duty at which the member is
29 required to be at the time prescribed may be punished by up to one year of
30 confinement, by separation with characterization up to dishonorable discharge, and by
31 such other punishment as a court-martial may direct.

1 **Sec. 26.05.587. Missing movement.** A member of the militia who, through
2 neglect or design, misses the movement of a ship, aircraft, or unit with which the
3 member is required, in the course of duty, to move may be punished by up to one year
4 of confinement, by separation with characterization up to dishonorable discharge, and
5 by such other punishment as a court-martial may direct.

6 **Sec. 26.05.588. Contempt toward officials.** (a) A commissioned officer of the
7 militia who uses contemptuous words against the President or Vice-President of the
8 United States, the United States Congress, the United States Secretary of Defense, the
9 United States Secretary of Homeland Security, the secretary of a military department
10 of the United States, or the governor or legislature of this state may be punished by
11 separation with characterization up to dishonorable discharge and by such other
12 punishment as a court-martial may direct.

13 (b) A court-martial may not impose a sentence of confinement under this
14 section.

15 **Sec. 26.05.589. Disrespect toward superior commissioned officer.** (a) A
16 member of the militia who behaves with disrespect toward the member's superior
17 commissioned officer may be punished by separation with characterization up to
18 dishonorable discharge and by such other punishment as a court-martial may direct.

19 (b) A court-martial may not impose a sentence of confinement under this
20 section.

21 **Sec. 26.05.590. Assaulting or wilfully disobeying superior commissioned**
22 **officer.** A member of the militia who (1) strikes the member's superior commissioned
23 officer or draws or lifts up any weapon or offers any violence against the superior
24 officer while the superior officer is in the execution of the superior officer's office, or
25 (2) wilfully disobeys a lawful command of the member's superior commissioned
26 officer may be punished by up to five years of confinement, by separation with
27 characterization up to dishonorable discharge, and by such other punishment as a
28 court-martial may direct.

29 **Sec. 26.05.591. Insubordinate conduct toward warrant officer,**
30 **noncommissioned officer, or petty officer.** A warrant officer or enlisted member of
31 the militia who (1) strikes or assaults a warrant officer, noncommissioned officer, or

1 petty officer, while the officer is in the execution of the officer's office, (2) wilfully
2 disobeys the lawful order of a warrant officer, noncommissioned officer, or petty
3 officer, or (3) treats with contempt or is disrespectful in language or deportment
4 toward a warrant officer, noncommissioned officer, or petty officer while the officer is
5 in the execution of the officer's office may be punished by up to two years of
6 confinement, by separation with characterization up to dishonorable discharge, and by
7 such other punishment as a court-martial may direct.

8 **Sec. 26.05.592. Failure to obey order or regulation.** Any member of the
9 militia who (1) violates or fails to obey a lawful general order or regulation, (2) having
10 knowledge of any other lawful order issued by a member of the militia of the state that
11 the member has a duty to obey, fails to obey the order, or (3) is derelict in the
12 performance of the member's duties may be punished by up to one year of
13 confinement, by separation with characterization up to dishonorable discharge, and by
14 such other punishment as a court-martial may direct.

15 **Sec. 26.05.593. Cruelty and maltreatment.** A member of the militia who is
16 guilty of cruelty toward, or oppression or maltreatment of, another person subject to
17 the member's orders may be punished by up to one year of confinement, by separation
18 with characterization up to dishonorable discharge, and by such other punishment as a
19 court-martial may direct.

20 **Sec. 26.05.594. Mutiny or sedition.** (a) A member of the militia is guilty of
21 mutiny if the member, with intent to usurp or override lawful military authority,
22 refuses, in concert with another person, to obey orders or otherwise do the member's
23 duty or creates violence or a disturbance.

24 (b) A member of the militia is guilty of sedition if the member, with intent to
25 cause the overthrow or destruction of lawful civil authority, creates, in concert with
26 another person, revolt, violence, or other disturbance against the authority.

27 (c) A member of the militia is guilty of a failure to suppress or report a mutiny
28 or sedition if the member fails to do the member's utmost to prevent and suppress a
29 mutiny or sedition being committed in the member's presence, or fails to take all
30 reasonable means to inform the member's superior commissioned officer or
31 commanding officer of a mutiny or sedition that the member knows or has reason to

1 believe is taking place.

2 (d) A member who is found guilty of mutiny, sedition, or failure to suppress
3 or report a mutiny or sedition under this section may be punished by up to 10 years of
4 confinement, by separation with characterization up to dishonorable discharge, and by
5 such other punishment as a court-martial may direct.

6 **Sec. 26.05.595. Resistance, flight, breach of arrest, and escape.** A member
7 of the militia who (1) resists apprehension, (2) flees from apprehension, (3) breaks
8 arrest, or (4) escapes from custody or confinement may be punished by up to one year
9 of confinement, by separation with characterization up to dishonorable discharge, and
10 by such other punishment as a court-martial may direct.

11 **Sec. 26.05.596. Releasing prisoner without proper authority.** A member of
12 the militia who, without proper authority, releases a prisoner committed to the
13 member's charge or, through neglect or design, suffers a prisoner to escape may be
14 punished by up to one year of confinement, by separation with characterization up to
15 dishonorable discharge, and by such other punishment as a court-martial may direct,
16 whether or not the prisoner was committed in strict compliance with law.

17 **Sec. 26.05.597. Unlawful detention.** A member of the militia who, except as
18 provided by law or regulation, apprehends, arrests, or confines another person may be
19 punished by up to one year of confinement, by separation with characterization up to
20 dishonorable discharge, and by such other punishment as a court-martial may direct.

21 **Sec. 26.05.598. Noncompliance with procedural rules.** A member of the
22 militia who knowingly and intentionally (1) is responsible for unnecessary delay in the
23 disposition of the case of another person accused of an offense under this chapter may
24 be punished by up to six months of confinement, by separation with characterization
25 up to a bad conduct discharge, and by such other punishment as a court-martial may
26 direct, or (2) fails to enforce or comply with a provision of this chapter regulating the
27 proceedings before, during, or after trial of an accused may be punished by up to one
28 year of confinement, by separation with characterization up to dishonorable discharge,
29 and by such other punishment as a court-martial may direct.

30 **Sec. 26.05.599. Misbehavior before the enemy.** (a) A member of the militia
31 is guilty of misbehavior before the enemy if the member is before or in the presence of

1 the enemy, or is facing a threat as described in AS 26.05.070, and

2 (1) runs away;

3 (2) shamefully abandons, surrenders, or delivers up a command, unit,
4 place, or military property that the member has a duty to defend;

5 (3) through disobedience, neglect, or intentional misconduct,
6 endangers the safety of the command, unit, place, or military property;

7 (4) casts away the member's arms or ammunition;

8 (5) engages in cowardly conduct;

9 (6) quits a place of duty to plunder or pillage;

10 (7) causes false alarms in a command, unit, or place under control of
11 the armed forces of the United States or the militia of the state;

12 (8) wilfully fails to do the utmost to encounter, engage, capture, or
13 destroy enemy troops, combatants, vessels, aircraft, or other thing that the member has
14 a duty to encounter, engage, capture, or destroy; or

15 (9) does not afford all practicable relief and assistance to the troops,
16 combatants, vessels, or aircraft of the armed forces of the United States or an ally of
17 the United States, to this state, or to another state when engaged in battle.

18 (b) A member found guilty of misbehavior before the enemy under this
19 section may be punished by up to 10 years of confinement, by separation with
20 characterization up to dishonorable discharge, and by such other punishment as a
21 court-martial may direct.

22 **Sec. 26.05.600. Subordinate compelling surrender.** A member of the militia
23 who compels or attempts to compel the commander of the militia of this state or of
24 any other state, of a place, a vessel, an aircraft, or another military property, or of a
25 body of members of the armed forces to give it up to an enemy or to abandon it in the
26 face of a threat described in AS 26.05.070, or who strikes the colors or flag to an
27 enemy without proper authority, may be punished by up to 10 years of confinement,
28 by separation with characterization up to dishonorable discharge, and by such other
29 punishment as a court-martial may direct.

30 **Sec. 26.05.601. Improper use of countersign.** A member of the militia who,
31 in time of war, or emergency as described in AS 26.05.070, discloses the parole or

1 countersign to a person not entitled to receive it or who gives to another person who is
2 entitled to receive and use the parole or countersign a different parole or countersign
3 from that which, to the person's knowledge, the member was authorized and required
4 to give may be punished by up to 10 years of confinement, by separation with
5 characterization up to dishonorable discharge, and by such other punishment as a
6 court-martial may direct.

7 **Sec. 26.05.602. Forcing a safeguard.** A member of the militia who forces a
8 safeguard may be punished by up to 10 years of confinement, by separation with
9 characterization up to dishonorable discharge, and by such other punishment as a
10 court-martial may direct.

11 **Sec. 26.05.603. Captured or abandoned property.** (a) A member of the
12 militia shall secure all public property taken for the service of the United States or the
13 state and shall give notice and turn over to the proper authority without delay all
14 captured or abandoned property in the member's possession, custody, or control.

15 (b) A member of the militia who (1) fails to carry out the duties prescribed in
16 (a) of this section and buys, sells, trades, or in any way deals in or disposes of taken,
17 captured, or abandoned property, as a result of which the member receives or expects
18 to receive any profit, benefit, or advantage to the member or another person directly or
19 indirectly connected with the member may be punished by up to one year of
20 confinement, by separation with characterization up to dishonorable discharge, and by
21 such other punishment as a court-martial may direct, or (2) engages in looting or
22 pillaging may be punished by up to 10 years of confinement, by separation with
23 characterization up to dishonorable discharge, and by such other punishment as a
24 court-martial may direct.

25 **Sec. 26.05.604. Aiding the enemy.** A member of the militia who (1) aids or
26 attempts to aid the enemy or a hostile individual or group as described in
27 AS 26.05.070 with arms, ammunition, supplies, money, or other things, or (2) without
28 proper authority, knowingly harbors or protects or gives intelligence to, or
29 communicates or corresponds with or holds any intercourse with, the enemy or hostile
30 individual or group, either directly or indirectly, may be punished by up to 10 years of
31 confinement, by separation with characterization up to dishonorable discharge, and by

1 such other punishment as a court-martial may direct.

2 **Sec. 26.05.605. Misconduct as prisoner.** A member of the militia who, while
3 in the hands of the enemy or a hostile individual or group as described in
4 AS 26.05.070, (1) for the purpose of securing favorable treatment by the person's
5 captors, acts without proper authority in a manner contrary to law, custom, or
6 regulation, to the detriment of other persons of whatever nationality held by the enemy
7 or hostile individual or group as civilian or military prisoners; or (2) while in a
8 position of authority over a person, maltreats the person without justifiable cause may
9 be punished by up to 10 years of confinement, by separation with characterization up
10 to dishonorable discharge, and by such other punishment as a court-martial may direct.

11 **Sec. 26.05.607. False official statements.** A member of the militia who, with
12 intent to deceive, signs a false record, return, regulation, order, or other official
13 document made in the line of duty, knowing it to be false, or makes a false official
14 statement in the line of duty, knowing it to be false, may be punished by up to one
15 year of confinement, by separation with characterization up to dishonorable discharge,
16 and by such other punishment as a court-martial may direct.

17 **Sec. 26.05.608. Military property; loss, damage, destruction, or wrongful**
18 **disposition.** A member of the militia who, without proper authority, (1) sells or
19 otherwise disposes of, (2) wilfully or through neglect damages, destroys, or loses, or
20 (3) wilfully or through neglect suffers to be lost, damaged, destroyed, sold, or
21 wrongfully disposed of, military property of the United States or of any state, may be
22 punished by up to one year of confinement, by separation with characterization up to
23 dishonorable discharge, and by such other punishment as a court-martial may direct.

24 **Sec. 26.05.609. Property other than military property; waste, spoilage, or**
25 **destruction.** A member of the militia who wilfully or recklessly wastes, spoils, or
26 otherwise wilfully and wrongly destroys or damages any property other than military
27 property of the United States or of any state may be punished by up to one year of
28 confinement, by separation with characterization up to dishonorable discharge, and by
29 such other punishment as a court-martial may direct.

30 **Sec. 26.05.610. Improper hazarding of vehicle, aircraft, or vessel.** (a) A
31 member of the militia who wilfully and wrongfully hazards or suffers to be hazarded a

1 vehicle, aircraft, or vessel of the armed forces of the United States or the militia of the
2 state may be punished by up to five years of confinement, by separation with
3 characterization up to dishonorable discharge, and by such other punishment as a
4 court-martial may direct.

5 (b) A member of the militia who negligently hazards or suffers to be hazarded
6 a vehicle, aircraft, or vessel of the armed forces of the United States or the militia of
7 the state may be punished by up to one year of confinement, by separation with
8 characterization up to dishonorable discharge, and by such other punishment as a
9 court-martial may direct.

10 **Sec. 26.05.611. Drunken or reckless operation of a vehicle, aircraft, or**
11 **vessel.** (a) A member of the militia who operates or physically controls a nonmilitary
12 vehicle, aircraft, or vessel in a negligent or reckless manner may be punished by
13 separation with characterization up to dishonorable discharge and by such other
14 punishment as a court-martial may direct if the charge is for negligent operation or
15 control, or by up to one year of confinement, by separation with characterization up to
16 dishonorable discharge, and by such other punishment as a court-martial may direct if
17 the charge is for reckless operation or control. A court-martial may not impose a
18 sentence of confinement under this subsection if the charge is for negligent operation
19 or control.

20 (b) A member of the militia who operates or physically controls a nonmilitary
21 vehicle, aircraft, or vessel while (1) impaired by a substance described in
22 AS 26.05.614(c), or (2) operating or in actual physical control of a nonmilitary
23 vehicle, aircraft, or vessel while under the influence of alcohol or when the alcohol
24 concentration in the person's blood or breath is equal to or exceeds the applicable limit
25 under (d) of this section may be punished by up to one year of confinement, by
26 separation with characterization up to dishonorable discharge, and by such other
27 punishment as a court-martial may direct, or under (e) of this section if the member is
28 not in active duty status at the time of the offense, or by up to five years of
29 confinement, by separation with characterization up to dishonorable discharge, and by
30 such other punishment as a court-martial may direct if the member is in active duty
31 status at the time of the offense.

1 (c) A member of the militia who (1) operates or physically controls a vehicle,
 2 aircraft, or vessel of the armed forces of the United States or the militia of a state in a
 3 negligent or reckless manner or while impaired by a substance described in
 4 AS 26.05.614(c), or (2) operates or is in actual physical control of a vehicle, aircraft,
 5 or vessel of the armed forces of the United States or the militia of a state while under
 6 the influence of alcohol or when the alcohol concentration in the person's blood or
 7 breath is equal to or exceeds the applicable limit under (d) of this section may be
 8 punished by up to five years of confinement, by separation with characterization up to
 9 dishonorable discharge, and by such other punishment as a court-martial may direct.

10 (d) For purposes of (b) and (c) of this section,

11 (1) in the case of the operation or control of a vehicle, aircraft, or
 12 vessel in the United States, the applicable limit on the alcohol concentration in a
 13 person's blood or breath is the lesser of

14 (A) the blood alcohol content limit under the law of the state in
 15 which the conduct occurred, except as provided under (3) of this subsection for
 16 conduct on a military installation that is in more than one state; and

17 (B) the blood alcohol content limit under AS 28.35.030;

18 (2) in the case of the operation or control of a vehicle, aircraft, or
 19 vessel outside the United States, the applicable blood alcohol content limit is 0.10
 20 grams of alcohol for each 100 milliliters of blood with respect to alcohol concentration
 21 in a person's blood and is 0.10 grams of alcohol for each 210 liters of breath with
 22 respect to alcohol concentration in a person's breath, as shown by chemical analysis or
 23 a lower limit that the Secretary of Defense may prescribe by regulation;

24 (3) in the case of a military installation that is in more than one state, if
 25 those states have different blood alcohol content limits under their respective state
 26 laws, the Secretary of Defense may select one of the blood alcohol content limits to
 27 apply uniformly on that installation.

28 (e) A member of the militia may be punished by up to five years of
 29 confinement, by separation with characterization up to dishonorable discharge, and by
 30 such other punishment as a court-martial may direct if the member of the militia is
 31 convicted under (b) of this section and has been previously convicted two or more

1 times within the 10 years preceding the date of the present offense.

2 (f) Unless otherwise specifically defined or unless the context otherwise
3 requires, in this section,

4 (1) "blood alcohol content limit" means the amount of alcohol
5 concentration in a person's blood or breath at which operation or control of a vehicle,
6 aircraft, or vessel is prohibited;

7 (2) "nonmilitary" means not of the armed forces of the United States or
8 of the militia of a state;

9 (3) "state" includes the District of Columbia, the Commonwealth of
10 Puerto Rico, the Virgin Islands, Guam, and American Samoa;

11 (4) "United States" includes the District of Columbia, the
12 Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

13 **Sec. 26.05.612. Drunk on duty.** A member of the militia, other than a sentinel
14 or lookout, who is found under the influence of alcohol while on duty may be
15 punished by up to one year of confinement, by separation with characterization up to
16 dishonorable discharge, and by such other punishment as a court-martial may direct.

17 **Sec. 26.05.613. Misbehavior of sentinel.** A sentinel or lookout who is found
18 under the influence of alcohol or sleeping on the sentinel's or lookout's post or leaves
19 the post before being regularly relieved may be punished, if the offense is committed
20 in time of war or emergency as described in AS 26.05.070, by confinement of not
21 more than 10 years, by separation with characterization up to dishonorable discharge,
22 or by such other punishment as a court-martial may direct, but if the offense is
23 committed at any other time, by up to one year of confinement, by separation with
24 characterization up to dishonorable discharge, and by such other punishment as a
25 court-martial may direct.

26 **Sec. 26.05.614. Wrongful use or possession of controlled substances.** (a) A
27 member of the militia who wrongfully uses, possesses, manufactures, distributes, or
28 imports a controlled substance into the customs territory of the United States, exports
29 from the United States in violation of the laws of the United States or the state, or who
30 wrongfully introduces a controlled substance into an installation, vessel, vehicle, or
31 aircraft used by or under the control of the armed forces of the United States or the

1 military forces of a state may be punished by up to one year of confinement, by
2 separation with characterization up to dishonorable discharge, and by such other
3 punishment as a court-martial may direct if the charge is for wrongful use or
4 possession, or by up to five years of confinement, by separation with characterization
5 up to dishonorable discharge, and by such other punishment as a court-martial may
6 direct if the charge is for manufacturing, distributing, or importing.

7 (b) A court-martial may not impose a sentence of confinement under this
8 section if the charge is for use or possession of marijuana or any marijuana derivative
9 or compound.

10 (c) In this section, "controlled substance" means

11 (1) opium, heroin, cocaine, amphetamine, lysergic acid diethylamide,
12 methamphetamine, phencyclidine, barbituric acid, and marijuana;

13 (2) a compound or derivative of a substance specified in (1) of this
14 subsection;

15 (3) a substance not specified in (1) or (2) of this subsection that is
16 listed on a schedule of controlled substances prescribed by the President of the United
17 States for the purposes of the armed forces of the United States under 10 U.S.C. 801 -
18 946 (Uniform Code of Military Justice);

19 (4) a substance not specified in (1) or (2) of this subsection or on a list
20 prescribed by the President under (3) of this subsection that is listed in 21 U.S.C. 812,
21 schedules I through V;

22 (5) an illicit synthetic drug identified in AS 17.21.010.

23 **Sec. 26.05.615. Malingering.** A member of the militia who, for the purpose of
24 avoiding work, duty, or service, (1) feigns illness, physical disablement, mental lapse,
25 or derangement, or (2) intentionally inflicts self-injury may be punished by up to one
26 year of confinement, by separation with characterization up to dishonorable discharge,
27 and by such other punishment as a court-martial may direct.

28 **Sec. 26.05.616. Riot or breach of peace.** A member of the militia who
29 intentionally causes or wilfully participates in a riot or breach of the peace may be
30 punished by up to one year of confinement, by separation with characterization up to
31 dishonorable discharge, and by such other punishment as a court-martial may direct.

1 **Sec. 26.05.617. Provoking speeches or gestures.** (a) A member of the militia
2 who uses provoking or reproachful words or gestures toward another member of the
3 militia may be punished as a court-martial may direct.

4 (b) A court-martial may not impose a sentence of confinement or a discharge
5 under this section.

6 **Sec. 26.05.620. Sexual assault.** (a) A member of the militia who commits any
7 of the following acts is guilty of sexual assault and may be punished by up to 10 years
8 of confinement, by separation with characterization up to dishonorable discharge, and
9 by such other punishment as a court-martial may direct:

10 (1) a sexual act on another person by

11 (A) threatening or placing another person in fear;

12 (B) causing bodily harm to another person;

13 (C) making a fraudulent representation that the sexual act
14 serves a professional purpose;

15 (D) inducing a belief by any artifice, pretense, or concealment
16 that the person is another person;

17 (2) a sexual act on another person when the person knows or
18 reasonably should know that the other person is asleep, unconscious, or otherwise
19 unaware that the sexual act is occurring;

20 (3) a sexual act on another person when the other person is incapable
21 of consenting to the sexual act because of

22 (A) impairment by a drug, intoxicant, or other similar
23 substance, and that condition is known or reasonably should be known by the
24 person;

25 (B) a mental disease or defect or physical disability, and that
26 condition is known or reasonably should be known by the person.

27 (b) A member of the militia who commits or causes sexual contact on or by
28 another person, and in doing so would have violated (a) of this section had the sexual
29 contact been a sexual act, is guilty of abusive sexual contact and may be punished by
30 up to five years of confinement, by separation with characterization up to dishonorable
31 discharge, and by such other punishment as a court-martial may direct.

1 (c) In a prosecution under this section, in proving that a person made a threat,
2 it is not necessary to prove that the person actually intended to carry out the threat or
3 had the ability to carry out the threat.

4 (d) An accused may raise any applicable defenses available under this chapter
5 or the Rules for Courts-Martial (Manual for Courts-Martial, United States, as
6 amended). Marriage is not a defense for any conduct at issue in a prosecution under
7 this section.

8 (e) In a prosecution under this section where consent is at issue,

9 (1) an expression of lack of consent through words or conduct means
10 there is no consent; lack of verbal or physical resistance or submission resulting from
11 the use of force, threat of force, or placing another person in fear may not constitute
12 consent; a current or previous dating, social, or sexual relationship by itself or the
13 manner of dress of the person involved with the accused in the conduct at issue may
14 not constitute consent;

15 (2) a sleeping, unconscious, or incompetent person cannot consent; a
16 person cannot consent to force causing or likely to cause death or grievous bodily
17 harm or to being rendered unconscious; a person cannot consent while under threat or
18 fear or under the circumstances described in (a)(1)(C) or (d) of this section;

19 (3) lack of consent may be inferred based on the circumstances of the
20 offense; the surrounding circumstances shall be considered in determining whether a
21 person gave consent, or whether a person did not resist or ceased to resist only because
22 of another person's actions.

23 (f) Unless otherwise specifically defined or unless the context otherwise
24 requires, in this section,

25 (1) "bodily harm" means any offensive touching of another person,
26 however slight, including any nonconsensual sexual act or nonconsensual sexual
27 contact;

28 (2) "consent" means a freely given agreement to the conduct at issue
29 by a competent person;

30 (3) "force" means the use of a weapon, the use of physical strength or
31 violence sufficient to overcome, restrain, or injure a person, or inflicting physical harm

1 sufficient to coerce or compel submission by the victim;

2 (4) "grievous bodily harm" means serious bodily injury, including
3 fractured or dislocated bones, deep cuts, torn members of the body, serious damage to
4 internal organs, and other severe bodily injuries; grievous bodily harm does not
5 include minor injuries such as a black eye or a bloody nose;

6 (5) "sexual act" means

7 (A) contact between the penis and the vulva, anus, or mouth; in
8 this subparagraph, contact involving the penis occurs upon penetration,
9 however slight;

10 (B) the penetration, however slight, of the vulva, anus, or
11 mouth of another person by any part of the body or any object, with an intent
12 to abuse, humiliate, harass, or degrade a person or to arouse or gratify the
13 sexual desire of a person;

14 (6) "sexual contact" means

15 (A) touching, or causing another person to touch, either directly
16 or through the clothing, the genitalia, anus, groin, breast, inner thigh, or
17 buttocks of a person, with an intent to abuse, humiliate, or degrade a person;

18 (B) touching, or causing another person to touch, either directly
19 or through the clothing, a body part of a person, with an intent to arouse or
20 gratify the sexual desire of a person; touching may be accomplished by any
21 part of the body;

22 (7) "threatening or placing another person in fear" means a
23 communication or action that is of sufficient consequence to cause a reasonable fear
24 that noncompliance will result in the victim or another person being subjected to the
25 wrongful action contemplated by the communication or action;

26 (8) "unlawful force" means an act of force committed without legal
27 justification or excuse.

28 **Sec. 26.05.621. Stalking.** (a) A member of the militia is guilty of stalking and
29 may be punished by up to three years of confinement, by separation with
30 characterization up to dishonorable discharge, and by such other punishment as a
31 court-martial may direct if the member

1 (1) wrongfully engages in a course of conduct directed at a specific
2 person that would cause a reasonable person to fear death or bodily harm, including
3 sexual assault, to the person or a member of the person's immediate family;

4 (2) has knowledge, or should have knowledge, that the specific person
5 will be placed in reasonable fear of death or bodily harm, including sexual assault, to
6 the person or a member of the person's immediate family;

7 (3) induces in a specific person reasonable fear of death or bodily
8 harm, including sexual assault, to the person or to a member of the person's immediate
9 family.

10 (b) Unless otherwise specifically defined or unless the context otherwise
11 requires, in this section,

12 (1) "course of conduct" means a repeated maintenance of visual or
13 physical proximity to a specific person or a repeated conveyance of verbal threats,
14 written threats, or threats implied by conduct, or a combination of those threats,
15 directed at or toward a specific person;

16 (2) "immediate family" means a spouse, parent, child, or sibling of the
17 person, or any other family member, relative, or intimate partner of the person who
18 regularly resides in the household of the person or who, within the six months
19 preceding the commencement of the course of conduct, regularly resided in the
20 household of the person;

21 (3) "repeated," with respect to conduct, means two or more occasions
22 of that conduct.

23 **Sec. 26.05.622. Other sexual misconduct; indecent viewing, visual**
24 **recording, or broadcasting.** (a) A member of the militia who knowingly commits
25 any of the following acts without legal justification or lawful authorization is guilty of
26 an offense under this section and may be punished by up to one year of confinement,
27 by separation with characterization up to dishonorable discharge, and by such other
28 punishment as a court-martial may direct:

29 (1) knowingly and wrongfully views the private area of another
30 person, without the other person's consent and under circumstances in which the other
31 person has a reasonable expectation of privacy;

1 (2) knowingly and wrongfully photographs, videotapes, films, or
2 records, by any means, the private area of another person without the other person's
3 consent and under circumstances in which the other person has a reasonable
4 expectation of privacy;

5 (3) knowingly and wrongfully broadcasts or distributes a recording
6 that the person knows or reasonably should know was made under the circumstances
7 described in (2) of this subsection.

8 (b) A member of the militia who compels another person to engage in an act
9 of prostitution with another person is guilty of forcible pandering and may be punished
10 by up to 10 years of confinement, by separation with characterization up to
11 dishonorable discharge, and by such other punishment as a court-martial may direct.

12 (c) A member of the militia who intentionally exposes, in an indecent manner,
13 the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure
14 and may be punished by up to one year of confinement, by separation with
15 characterization up to dishonorable discharge, and by such other punishment as a
16 court-martial may direct.

17 (d) Unless otherwise specifically defined or unless the context otherwise
18 requires, in this section,

19 (1) "act of prostitution" means a sexual act or sexual contact as defined
20 in AS 26.05.620 because of which anything of value is given to or received by another
21 person;

22 (2) "broadcast" means electronically transmitting a visual image with
23 the intent that it be viewed by a person or persons;

24 (3) "distribute" means delivering to the actual or constructive
25 possession of another, including transmission by electronic means;

26 (4) "indecent manner" means conduct that amounts to a form of
27 immorality relating to sexual impurity that is grossly vulgar, obscene, and repugnant
28 to common propriety and that tends to excite sexual desire or deprave morals with
29 respect to sexual relations;

30 (5) "private area" means the naked or underwear-clad genitalia, anus,
31 buttocks, or female areola or nipple;

1 (6) "reasonable expectation of privacy" means circumstances in which
2 a reasonable person would believe that the person could disrobe in privacy without
3 being concerned that an image of a private area of the person was being captured or
4 circumstances in which a reasonable person would believe that a private area of the
5 person would not be visible to the public.

6 **Sec. 26.05.623. Larceny and wrongful appropriation.** (a) A member of the
7 militia who wrongfully takes, obtains, or withholds, by any means, from the
8 possession of the owner or another person any money, personal property, or article of
9 value with intent permanently to deprive or defraud another person of the use and
10 benefit of the property or to appropriate it for the person's own use or the use of a
11 person other than the owner steals that property and is guilty of larceny and may be
12 punished by up to one year of confinement, by separation with characterization up to
13 dishonorable discharge, and by such other punishment as a court-martial may direct.

14 (b) A member of the militia who wrongfully takes, obtains, or withholds, by
15 any means, from the possession of the owner or another person any money, personal
16 property, or article of value with intent temporarily to deprive or defraud another
17 person of the use and benefit of the property or to appropriate it for the person's own
18 use or the use of a person other than the owner is guilty of wrongful appropriation and
19 may be punished by up to six months of confinement, by separation with
20 characterization up to a bad conduct discharge, and by such other punishment as a
21 court-martial may direct.

22 **Sec. 26.05.624. Forgery.** A member of the militia who, with intent to defraud,
23 (1) falsely makes or alters a signature to or a part of any writing that would, if genuine,
24 apparently impose a legal liability on another person or change the legal right or
25 liability of the person to their prejudice, or (2) utters, offers, issues, or transfers that
26 writing, which the person knows to be falsely made or altered, is guilty of forgery and
27 may be punished by up to one year of confinement, by separation with
28 characterization up to dishonorable discharge, and by such other punishment as a
29 court-martial may direct.

30 **Sec. 26.05.625. Making, drawing, or uttering check, draft, or order**
31 **without sufficient funds.** A member of the militia who makes, draws, utters, or

1 delivers a check, draft, or order for the payment of money on a bank or other
2 depository, knowing at the time that the maker or drawer has not or will not have
3 sufficient funds in, or credit with, the bank or other depository for the payment of that
4 check, draft, or order in full on its presentment, with intent to defraud for the
5 procurement of any article or thing of value or with intent to deceive, for the payment
6 of a past due obligation or for another purpose may be punished by up to one year of
7 confinement, by separation with characterization up to dishonorable discharge, and by
8 such other punishment as a court-martial may direct. The making, drawing, uttering,
9 or delivering by a maker or drawer of a check, draft, or order, payment of which is
10 refused by the drawee because of insufficient funds of the maker or drawer in the
11 drawee's possession or control, is prima facie evidence of the person's intent to defraud
12 or deceive and of the knowledge of insufficient funds in, or credit with, that bank or
13 other depository, unless the maker or drawer pays the holder the amount due within
14 five days after receiving notice, orally or in writing, that the check, draft, or order was
15 not paid on presentment. In this section, "credit" means an arrangement or
16 understanding, express or implied, with the bank or other depository for the payment
17 of that check, draft, or order.

18 **Sec. 26.05.631. Perjury.** A member of the militia who, in a judicial
19 proceeding or in a course of justice, under lawful oath or in another form allowed by
20 law to be substituted for an oath, willfully and corruptly gives false testimony material
21 to the issue or matter of inquiry, or who, in a declaration, certificate, verification, or
22 statement under penalty of perjury, subscribes a false statement material to the issue or
23 matter of inquiry is guilty of perjury and may be punished by up to one year of
24 confinement, by separation with characterization up to dishonorable discharge, and by
25 such other punishment as a court-martial may direct.

26 **Sec. 26.05.632. Fraud against the government.** (a) A member of the militia
27 is guilty of fraud against the government if the member

28 (1) knowing it to be false or fraudulent

29 (A) makes a claim against the United States, the state, or an
30 officer of the United States or the state; or

31 (B) presents to a person in the civil or military service of the

1 United States, the state, or an officer of the United States or the state, for
2 approval or payment, a claim against the United States, the state, or an officer
3 of the United States or the state;

4 (2) for the purpose of obtaining the approval, allowance, or payment of
5 a claim against the United States, the state, or an officer of the United States or the
6 state

7 (A) makes or uses a writing or other paper knowing it to
8 contain a false or fraudulent statement;

9 (B) makes an oath, affirmation or certification to a fact,
10 writing, or other paper knowing the oath, affirmation, or certification to be
11 false; or

12 (C) forges or counterfeits a signature on a writing or other
13 paper or uses the signature, knowing it to be forged or counterfeited;

14 (3) having charge, possession, custody, or control of money or other
15 property of the United States or the state, that is furnished or intended for the armed
16 forces of the United States or the militia of the state, knowingly delivers to a person
17 having authority to receive it, any amount of the money or other property less than that
18 for which the member receives a certificate or receipt; or

19 (4) being authorized to make or deliver any paper certifying the receipt
20 of property of the United States or the state, that is furnished or intended for the armed
21 forces of the United States or the militia of the state, makes or delivers to a person the
22 writing without having full knowledge of the truth of the statements contained in the
23 writing and with intent to defraud the United States or the state.

24 (b) A person found guilty of fraud against the government may be punished by
25 up to one year of confinement, by separation with characterization up to dishonorable
26 discharge, and by such other punishment as a court-martial may direct.

27 **Sec. 26.05.633. Conduct unbecoming an officer.** (a) A commissioned officer,
28 warrant officer, cadet, candidate, or midshipman of the militia who is convicted of
29 conduct unbecoming an officer may be punished by separation with characterization
30 up to dishonorable discharge and by such other punishment as a court-martial may
31 direct.

1 (b) A court-martial may not impose a sentence of confinement under this
2 section.

3 **Sec. 26.05.634. General article.** (a) Although not specifically mentioned in
4 this chapter, all disorders and acts that prejudice good order and discipline in the
5 militia of the state and all conduct of a nature to bring discredit on the militia of the
6 state shall be considered by a court-martial and punished as a court-martial may direct.

7 (b) A member of the militia who commits an enumerated offense punishable
8 under Article 134, 10 U.S.C. 934 (Uniform Code of Military Justice), except for those
9 enumerated offenses relating to wrongful cohabitation, may, upon conviction, be
10 punished by separation with characterization up to dishonorable discharge and by such
11 other punishment as a court-martial may direct.

12 (c) A court-martial may not impose a sentence of confinement under (a) or (b)
13 of this section.

14 **Sec. 26.05.900. Definitions.** In this chapter, unless the context otherwise
15 requires,

16 (1) "accuser" means a person who signs and swears to charges, a
17 person who directs that charges nominally be signed and sworn to by another, and any
18 other person who has an interest other than an official interest in the prosecution of the
19 accused;

20 (2) "arrest" means the restraint of a person by an order, not imposed as
21 a punishment for an offense, directing the person to remain within certain specified
22 limits;

23 (3) "cadet," "candidate," or "midshipman" means a person who is
24 enrolled in or attending a state military academy, a regional training institute, or any
25 other formal education program for the purpose of becoming a commissioned officer
26 in the militia of the state;

27 (4) "classified information" means

28 (A) information or material that has been determined by an
29 official of the United States or any state under law, an executive order, or
30 regulation to require protection against unauthorized disclosure for reasons of
31 national or state security; and

1 (B) restricted data, as defined in 42 U.S.C. 2014(y) (Atomic
2 Energy Act of 1954);

3 (5) "code of military justice" means the provisions of this chapter and
4 the regulations adopted by the adjutant general to implement this chapter;

5 (6) "commanding officer" or "commander" includes only
6 commissioned officers of the militia of the state and includes officers in charge only
7 when administering a nonjudicial punishment under the code of military justice;

8 (7) "confinement" means the physical restraint of a person;

9 (8) "convening authority" includes, in addition to the person who
10 convened the court, a commissioned officer commanding for the time being or a
11 successor in command to the convening authority;

12 (9) "day" means calendar day and is not synonymous with the term
13 "unit training assembly";

14 (10) "department" means the Department of Military and Veterans'
15 Affairs;

16 (11) "enlisted member" means a person in an enlisted grade;

17 (12) "military court" means a court-martial;

18 (13) "military judge" means an official of a general or special court-
19 martial described under AS 26.05.453;

20 (14) "militia" or "militia of the state" means the Alaska National
21 Guard, the Alaska Naval Militia, and the Alaska State Defense Force;

22 (15) "national or state security" means the national defense and foreign
23 relations of the United States;

24 (16) "officer" means a commissioned or warrant officer;

25 (17) "officer in charge" means a member of the naval militia, United
26 States Navy, United States Marine Corps, or United States Coast Guard designated by
27 the appropriate authority;

28 (18) "record," when used in connection with the proceedings of a
29 court-martial, means

30 (A) an official written transcript, written summary, or other
31 writing relating to the proceedings; or

1 (B) an official audiotape, videotape, digital image or file, or
2 similar material from which sound, or sound and visual images, depicting the
3 proceedings may be reproduced;

4 (19) "reviewing authority" means the Military Appeals Commission
5 and the Alaska Supreme Court;

6 (20) "senior force judge advocate" means the senior judge advocate of
7 the commander of the same force of the militia of the state as the accused and who is
8 that commander's chief legal advisor;

9 (21) "unit" means a regularly organized body of the militia of the state
10 not larger than a company, a squadron, a division of the naval militia, or a body
11 corresponding to one of them.

12 * **Sec. 5.** AS 33.30.011 is amended by adding a new subsection to read:

13 (b) In this section, "held under authority of state law" includes the
14 confinement of persons under AS 26.05.

15 * **Sec. 6.** AS 33.30.051 is amended by adding a new subsection to read:

16 (b) A person restrained under AS 26.05.425 or convicted of an offense by
17 court-martial under AS 26.05 and confined under AS 26.05.428 shall be committed to
18 the custody of the commissioner for the period of restraint or confinement as directed
19 by the adjutant general.

20 * **Sec. 7.** AS 44.23.020 is amended by adding a new subsection to read:

21 (i) If requested by a military judge or the convening authority of a court-
22 martial, assist the court-martial in obtaining the commitment of a person accused of an
23 offense under AS 26.05 for a competency examination under AS 12.47.100 or on a
24 finding of incompetency under AS 12.47.110.

25 * **Sec. 8.** AS 44.35.020(a) is amended to read:

26 (a) The Department of Military and Veterans' Affairs shall

27 (1) conduct the military affairs of the state as prescribed by AS 26.05
28 [THE MILITARY CODE];

29 (2) cooperate with the federal government in matters of mutual
30 concern pertaining to the welfare of Alaska [ALASKAN] veterans, including
31 establishing, extending, or strengthening services for veterans in the state;

1 (3) annually, not later than February 1, make available a report to the
2 legislature, through the governor, outlining the department's activities during the
3 previous calendar year; the department shall notify the legislature that the report is
4 available; and

5 (4) cooperate with the Department of Public Safety to develop and
6 implement missing vulnerable adult prompt response and notification plans under
7 AS 44.41.060.

8 * **Sec. 9.** AS 26.05.120, 26.05.130, 26.05.300, 26.05.310, 26.05.320, 26.05.322, 26.05.324,
9 26.05.326, 26.05.330, and 26.05.350 are repealed.

10 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **INDIRECT COURT RULE AMENDMENT.** The provisions of AS 26.05.444 and
13 26.05.445, enacted by sec. 4 of this Act, have the effect of changing Rule 6, Alaska Rules of
14 Criminal Procedure, by changing the procedure for grand jury proceedings conducted before
15 courts-martial.

16 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **APPLICABILITY.** AS 26.05.380 - 26.05.900, enacted by sec. 4 of this Act, and sec. 9
19 of this Act apply to offenses occurring on or after the effective date of secs. 4 and 9 of this
20 Act.

21 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **MILITARY APPEALS COMMISSION; STAGGERED TERMS.** Notwithstanding
24 AS 26.05.538, enacted by sec. 4 of this Act, and AS 39.05.055, the governor shall appoint the
25 members of the commission to staggered initial terms as follows:

- 26 (1) one member shall be appointed for two years;
- 27 (2) one member shall be appointed for four years;
- 28 (3) one member shall be appointed for six years; and
- 29 (4) one alternate member may be appointed for six years.

30 * **Sec. 13.** This Act takes effect July 1, 2016.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHB 126(JUD)
Fiscal Note Number:	8
(H) Publish Date:	1/25/2016

Identifier: HB126CS(JUD)-MVA-NGMHQ-3-20-15
 Title: CODE OF MILITARY JUSTICE; APPEALS
 Sponsor: JUDICIARY
 Requester: House Judiciary

Department: Department of Military and Veterans' Affairs
 Appropriation: Military and Veterans' Affairs
 Allocation: National Guard Military Headquarters
 OMB Component Number: 2135

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/16

Why this fiscal note differs from previous version:

A previous version cited state costs associated with possible administration and completion of courts-martial, but more recent information indicates such expenses will be covered by federal funds, so there will be no cost to the state.

Prepared By:	Ron Clarke, Special Assistant	Phone:	(907)428-6007
Division:	Office of the Commissioner	Date:	01/15/2016 04:00 PM
Approved By:	Bob Doehl, Deputy Commissioner	Date:	01/15/16
Agency:	Military and Veterans' Affairs		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

This legislation creates a state code of military justice and instructs and authorizes the Department of Military and Veterans' Affairs and the Alaska National Guard to enact attendant regulations and procedures. It supplements and replaces portions of the existing Alaska Military Code (AS 26.05), which went into effect during Alaska's territorial days.

This bill identifies specific military offenses and penalties, lays out procedures for the administration of courts-martial, and requires the Alaska National Guard to create further regulations to fill any procedural gaps. It sets up a three-member Military Appeals Commission within the Department of Military and Veterans' Affairs to hear appeals from courts-martial.

If this bill is enacted, commanders will have a new disciplinary tool in the form of "non-judicial punishment." In severe cases, they will have the option to convene courts-martial. The administration and completion of a court-martial will involve expenditure of time and funds, including attorney salaries, witness costs, the training and employing of military judges, and other related costs. Based on the experience of National Guards in other states, the Department of Military and Veterans' Affairs predicts courts-martial will be rare events, averaging less than one per year.

The personnel required for a court-martial would include a military judge, attorneys for both sides, paralegals for both attorneys and the judge, bailiff, escorts for the accused, a court reporter, witnesses, and panel members. Because convening and running of courts-martial constitutes preparation and training for Active Duty service, all expenses related to courts-martial and administration of non-judicial punishment will be covered using federal funds.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHB 126(JUD)
Fiscal Note Number:	7
(H) Publish Date:	1/25/2016

Identifier: HB126CS(JUD)-ACS-APP-01-19-16
 Title: CODE OF MILITARY JUSTICE; APPEALS
 Sponsor: JUDICIARY
 Requester: House Judiciary Committee

Department: Judiciary
 Appropriation: Alaska Court System
 Allocation: Appellate Courts
 OMB Component Number: 767

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

The House Judiciary Committee Substitute for HB 126 revises the previous version's method for bringing a military justice case to the court system; rather than an appeal to the Court of Appeals, the method in the CS is via a petition for review to the Supreme Court. This results in no fiscal impact on the court system.

Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	01/19/2016 12:00 PM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	01/19/16
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

The House Judiciary Committee Substitute for House Bill 126 (version S) would substantially revise and expand AS 26.05 by adding a new Article 2 to Alaska's Code of Military Justice. It sets out substantive law and procedures for military courts martial and establishes a new Military Appeals Commission within the Department of Military and Veterans' Affairs. AS 26.05.538.

CSHB 126(JUD) also provides that after a person has appealed a court martial to the Military Appeals Commission, the person (if certain conditions are met) has the right to file a petition for review of that final military decision in the Alaska Supreme Court. AS 26.05.540. This new type of petition from the military court to the state (civilian) court would expand the Alaska Supreme Court's jurisdiction to include jurisdiction over these petitions. Section 1; AS 22.05.010. The Supreme Court would have the discretion to consider petitions for review of final decisions of the Military Appeals Commission when persons have filed a petition for review with the Supreme Court and exhausted their rights to appeal to the Commission, and the Commission has imposed a sentence of confinement.

Such petitions for review would involve violations of military law. Though the Supreme Court does not currently handle cases that concern either substantive or procedural aspects of courts martial and military offenses, the Supreme Court is prepared to review the petitions as contemplated by CSHB 126. The bill sponsors and members of the Alaska National Guard who have testified previously on this bill have stated that the number of petitions that will potentially be brought to the Supreme Court is expected to be very small; they have stated that it is expected to be no more than one to two per year.

Based on the representations of those testifiers, the court system anticipates that it can handle these new case types in the ordinary course of the Supreme Court's workload.

Further, CSHB 126(JUD) provides that a general court martial in which confinement of more than one year is sought will use a grand jury of the state to determine whether a true bill can issue. AS 26.05.444. Again, testifiers have stated that the National Guard expects this to be a minimal impact on the state court system's grand juries, that it would be quite rarely used, and that it would be coordinated such that the court system would not experience increased jury costs.

Based on these expectations of and assumptions about the bill's impacts, the court system submits a zero fiscal note for CSHB 126(JUD).

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHB 126(JUD)
Fiscal Note Number:	6
(H) Publish Date:	1/25/2016

Identifier: HB126CS(JUD)-DHSS-API-1-16-16
 Title: CODE OF MILITARY JUSTICE; APPEALS
 Sponsor: JUDICIARY
 Requester: House Judiciary Committee

Department: Department of Health and Social Services
 Appropriation: Behavioral Health
 Allocation: Alaska Psychiatric Institute
 OMB Component Number: 311

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included In Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? n/a

Why this fiscal note differs from previous version:

This version updated to reflect new year; no other changes.

Prepared By:	Randall Burns, acting Director	Phone:	(907)269-5948
Division:	Behavioral Health	Date:	01/04/2016 04:45 PM
Approved By:	Sana Efird, Asst. Commissioner, Finance and Management Services	Date:	01/16/16
Agency:	Health and Social Services		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

This bill outlines a Military Code of Justice for Alaska.

Relevant to the Department of Health and Social Services, this bill authorizes military court-ordered involuntary commitment for mental health competency evaluation and treatment services available at the Alaska Psychiatric Institute (API). As involuntary commitment for evaluation and treatment is currently provided through other courts for Alaska's general population under AS 12.47, this would not change API's current practice.

DHSS does not anticipate a need for additional funds resulting from this bill.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHB 126(JUD)
Fiscal Note Number:	5
(H) Publish Date:	1/25/2016

Identifier: HB126CS(JUD)-DOC-IDO-01-21-2016
 Title: CODE OF MILITARY JUSTICE; APPEALS
 Sponsor: JUDICIARY
 Requester: House Judiciary Committee

Department: Department of Corrections
 Appropriation: Population Management
 Allocation: Institution Director's Office
 OMB Component Number: 1381

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Prepared By:	April Wilkerson	Phone:	(907)465-3460
Division:	Administrative Services - Department of Corrections	Date:	01/21/2016 01:00 PM
Approved By:	Remond Henderson, Deputy Commissioner	Date:	01/21/2016
Agency:	Department of Corrections		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

This legislation adds a new section to the Code of Military Justice establishing AS 26.05.380 Regulations adopting code of military justice for members of the militia of the state not in federal service and establishes a military court for members of the militia who are charged with a military offense.

Section 26.05.428 identifies the requirements regarding the confinement, receiving and reporting of prisoners. This section will require reporting of those confined within a correctional facility within 24 hours. The department currently has a process for reporting of all persons held in a correctional facility including: military, federal, municipal, city and state holds, therefore this section will have no fiscal impact to the department.

Section 26.05.513 establishes punishments and maximum limits for military offenses and identifies those where the sentence exceeds one-year as a felony offense and with the exception of convictions by a summary court martial, all other military offenses are misdemeanors. The department is unable to quantify any increases to the offender population for those that could be charged under this legislation, however, if passed, the department will monitor and track for future fiscal impacts.