

BILL ANALYSIS

Senate Research Center
76R2028 MXM-F

S.B. 1066
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4/6/1999
As Filed

DIGEST

Currently, the Texas Code of Military Justice which disciplines Texas' military forces while on state duty, is outdated and in need of clarification. S.B. 1066 clarifies military court proceedings, and repeals laws regarding procedures while confronting an enemy.

PURPOSE

As proposed, S.B. 1066 clarifies the required qualifications for certain authorities involved in military court proceedings, and repeals several laws regarding procedures while confronting an enemy.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 432.001(7), Government Code, to redefine "judge advocate."

SECTION 2. Amends Sections 432.005(a) and (b), Government Code, to require a potential state judge advocate general (general judge) to be a member of the State Bar of Texas, rather than a member of the bar of a federal court and the highest court, for at least five years. Requires the adjutant general to appoint certain authorization recommendations by, rather than of, the general judge. Makes a conforming change.

SECTION 3. Amends Section 432.042, Government Code, to authorize any commander in the grade of lieutenant colonel or higher, to convene a special court-martial, rather than other authorities. Deletes text regarding a superior authority convened court-martial.

SECTION 4. Amends Section 432.043, Government Code, to authorize any commander in the grade of lieutenant colonel or higher, to convene a summary court-martial, rather than other authorities.

SECTION 5. Amends Sections 432.044(b) and (c), Government Code, to provide that a warrant officer or an enlisted member of the state military forces in a duty status, rather than a state duty status, is eligible to serve on certain courts-martial. Makes a conforming change.

SECTION 6. Amends Section 432.045(b), Government Code, to require a military judge to be a member of the State Bar of Texas, rather a member of other bars.

SECTION 7. Amends Section 432.046(b) and (c), Government Code, to require a counsel for a general court-martial to be a member of the State Bar of Texas, rather than a member of other bars. Makes conforming changes.

SECTION 8. Amends Section 432.108, Government Code, to make nonsubstantive changes.

SECTION 9. Amends Sections 432.109(a) and (f), Government Code, to provide that a person is eligible for appointment to the court if the person is a member of the State Bar of Texas, rather than having other qualifications. Gives the Texas Court of Military Appeals jurisdiction to hear and review the record in a summary court-martial case, rather than all other cases.

SECTION 10. Amends Section 432.127(b), Government Code, to delete a specific offense punishable by a court-martial direction.

SECTION 11. Amends Sections 432.182(a) and (b), Government Code, to delete the specification that a person must be on state active duty to administer an oath for certain purposes. Authorizes a summary courts-martial officer to administer an oath for certain purposes. Makes a conforming change.

SECTION 12. Amends Section 432.184(b), Government Code, to clarify military court proceedings for a member of the state military forces while not in federal service, rather than on active state duty, as determined by the adjutant general, rather than by another method. Deletes the specification regarding state active judge advocates or legal officers called to duty by the governor's order.

SECTION 13. Repealers: Sections 432.144-432.150, Government Code (Misbehavior before Enemy, Subordinate Compelling Surrender, Improper Use of Countersign, Forcing Safeguard, Captured or Abandoned Property, and Aiding Enemy).

SECTION 14. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 15. Emergency clause.