

HB295 ENGROSSED



1 HB295
2 KHPTXUU-2
3 By Representatives Almond, Kiel, Robertson, Brown, Smith,
4 Oliver, Paschal, Starnes, Rehm
5 RFD: Military and Veterans Affairs
6 First Read: 18-Feb-25



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A BILL

TO BE ENTITLED

AN ACT

Relating to military punishment; to amend Sections 31-2A-15 and 31-2A-19, as last amended by Act 2024-329, 2024 Regular Session, Code of Alabama 1975, to revise and further provide for the ranks of members that may take and have taken against them certain disciplinary measures; and to further provide for disciplinary measures that may be taken.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 31-2A-15 and 31-2A-19, as last amended by Act 2024-329, 2024 Regular Session, Code of Alabama 1975, are amended to read as follows:

"§31-2A-15

(a) Under such regulations as prescribed, any commanding officer may impose disciplinary punishments for minor offenses without the intervention of a court-martial pursuant to this article. The Governor, the Adjutant General, or an officer in a general or flag rank in command may delegate the powers under this article to a principal assistant who is a member of the Alabama National Guard.

(b) For the purposes of this article, the term "day" ~~shall mean~~ means any the following:



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(1) For the purposes of pay, one day shall equal one active duty military payday.

(2) For all other purposes, one day shall equal one calendar day.

(c) For the purposes of this part, all members must be in military status when punishment is imposed.

(d) Any commanding officer serving as a brigade or battalion level commander (Army) or wing/group/base or the commander of a geographically separated unit (Air) may impose upon enlisted members of the officer's command any of the following:

(1) An admonition.

(2) A reprimand.

(3) The withholding of privileges for up to six consecutive months.

(4) The forfeiture of pay of up to 12 days.

(5) A reduction to the next inferior pay grade of an enlisted member who is E-6 and below.

(6) A reduction to the lowest or any intermediate pay grade of an enlisted member who is E-4 and below.

~~+(6)~~ (7) Extra duties, including fatigue or other duties, for up to eight days, which need not be consecutive.

~~+(7)~~ (8) Restriction to certain specified limits, with or without suspension from duty, for not more than 14 days, which need not be consecutive.

(e) The Governor, the Adjutant General, an officer exercising general court-martial convening authority, or an officer of a general or flag rank in command may impose ~~both~~



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57 any of the following:

58 (1) Upon officers of the officer's command, any
59 punishment authorized in subdivisions (1) through (4), ~~—(6)—~~
60 (7), and ~~—(7)—~~ (8) of subsection (d).

61 (2) Upon enlisted members of the officer's command that
62 are E-9 and below, any punishment authorized in subsection
63 (d).

64 (3) A reduction of not more than two pay grades of
65 enlisted members that are E-5 through E-9.

66 (f) Whenever any of those punishments are combined to
67 run consecutively, the total length of the combined punishment
68 cannot exceed the authorized duration of the longest
69 punishment in the combination, and there must be an
70 apportionment of punishments so that no single punishment in
71 the combination exceeds its authorized length under this
72 article.

73 (g) Prior to the offer of non-judicial punishment, the
74 commanding officer shall determine whether restriction shall
75 be considered as a punishment. The determination of whether
76 restriction is a punishment option does not prohibit the
77 accused from requesting his or her right to demand trial by
78 special court-martial.

79 (h) The officer who imposes the punishment, or the
80 successor in command, at any time, may suspend, set aside,
81 mitigate, or remit any part or amount of the punishment and
82 restore all rights, privileges, and property affected. The
83 officer also may do either of the following:

84 (1) Mitigate reduction in grade to forfeiture of pay.



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(2) Mitigate extra duties to restriction.

The mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture shall not be greater than the amount that could have been imposed initially under this article by the officer who imposed the punishment mitigated.

(i) An individual punished under this article who considers the punishment unjust or disproportionate to the offense, through the proper channel, may appeal to the next superior authority within 30 days after the punishment is either announced or sent to the accused, as the commander may determine. The appeal shall be promptly forwarded and decided. During the pendency of the appeal, the punishment shall not be implemented. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (h) by the officer who imposed the punishment. Before acting on an appeal from a punishment, the authority that is to act on the appeal may refer the case to a judge advocate for consideration and advice.

(j) The imposition and enforcement of disciplinary punishment under this article for any act or omission is not a bar to trial by court-martial or a civilian court of competent jurisdiction for a serious crime or offense growing out of the same act or omission and not properly punishable under this article; however, the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial and, when shown, it shall be considered in determining the measure of



punishment to be adjudged in the event of a finding of guilty.

(k) Whenever a punishment of forfeiture of pay is imposed under this article, the forfeiture may apply to pay accruing before, on, or after the date the punishment is imposed.

(l) Regulations may prescribe the form of records to be kept of proceedings under this article and may require that certain categories of those proceedings be in writing.

(m) The accused shall be informed of the location of and right to consult counsel with regard to any non-judicial punishment. The commander shall ensure the accused is given appropriate means to contact counsel."

"§31-2A-19

Subject to Section 31-2A-17 (Article 17), special courts-martial have jurisdiction to try individuals subject to this code for military-specific offenses made punishable by this code, and under such limitations as the Governor may prescribe, may adjudge any punishment not forbidden by this code except dishonorable discharge, dismissal, confinement for more than six months, or forfeiture of pay exceeding 24 days. Additional punishments under this section include reduction of soldiers or airmen in the rank of ~~E-6~~ E-9 and below to the rank of E-1. ~~Soldiers or airmen in the rank of E-7 through E-9 may be reduced to the rank of E-4.~~ Officers may be reduced in rank to the highest rank where the officer last served honorably before the underlying offense occurred."

Section 2. This act shall become effective on October 1, 2025.



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House of Representatives

144 Read for the first time and referred18-Feb-25
145 to the House of Representatives
146 committee on Military and Veterans
147 Affairs
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149 Read for the second time and placed27-Feb-25
150 on the calendar:
151 0 amendments
152
153 Read for the third time and passed04-Mar-25
154 as amended
155 Yeas 96
156 Nays 0
157 Abstains 6
158
159
160 John Treadwell
161 Clerk
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