SB179 ENGROSSED



- 1 SB179
- 2 EAYU2CC-2
- 3 By Senator Givhan
- 4 RFD: Veterans, Military Affairs and Public Safety
- 5 First Read: 18-Feb-25



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5	A BILL
6	TO BE ENTITLED
7	AN ACT
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9	Relating to military punishment; to amend Sections
10	31-2A-15 and 31-2A-19, as last amended by Act 2024-329, 2024
11	Regular Session, Code of Alabama 1975, to revise and further
12	provide for the ranks of members that may take and have taken
13	against them certain disciplinary measures; and to further
14	provide for disciplinary measures that may be taken.
15	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
16	Section 1. Sections 31-2A-15 and 31-2A-19, as last
17	amended by Act 2024-329, 2024 Regular Session, Code of Alabama
18	1975, are amended to read as follows:
19	"§31-2A-15
20	(a) Under such regulations as prescribed, any
21	commanding officer may impose disciplinary punishments for
22	minor offenses without the intervention of a court-martial
23	pursuant to this article. The Governor, the Adjutant General,
24	or an officer in a general or flag rank in command may
25	delegate the powers under this article to a principal
26	assistant who is a member of the Alabama National Guard.
27	(b) For the purposes of this article, the term "day"
28	shall mean means any the following:



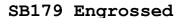
- 29 (1) For the purposes of pay, one day shall equal one 30 active duty military payday.
- 31 (2) For all other purposes, one day shall equal one 32 calendar day.
- 33 (c) For the purposes of this part, all members must be 34 in military status when punishment is imposed.
- 35 (d) Any commanding officer serving as a brigade or
 36 battalion level commander (Army) or wing/group/base or the
 37 commander of a geographically separated unit (Air) may impose
 38 upon enlisted members of the officer's command any of the
 39 following:
- 40 (1) An admonition.
- 41 (2) A reprimand.
- 42 (3) The withholding of privileges for up to six 43 consecutive months.
- (4) The forfeiture of pay of up to 12 days.
- 45 (5) A reduction to the next inferior pay grade of an enlisted member who is E-6 and below.
- 47 (6) A reduction to the lowest or any intermediate pay
 48 grade of an enlisted member who is E-4 and below.
- 49 (6) (7) Extra duties, including fatigue or other duties, 50 for up to eight days, which need not be consecutive.
- 51 (7)(8) Restriction to certain specified limits, with or 52 without suspension from duty, for not more than 14 days, which 53 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



- 57 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 $\frac{(7)}{(8)}$ (8) of subsection (d).
- 61 (2) Upon enlisted members of the officer's command that
- are E-9 and below, any punishment authorized in subsection
- 63 (d).
- (3) A reduction of not more than two pay grades of
- enlisted members that are E-6 or below.
- (f) Whenever any of those punishments are combined to
- 7 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
- 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.





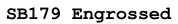
85 (2) Mitigate extra duties to restriction.

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



- 113 punishment to be adjudged in the event of a finding of guilty.
- 114 (k) Whenever a punishment of forfeiture of pay is
- imposed under this article, the forfeiture may apply to pay
- 116 accruing before, on, or after the date the punishment is
- imposed.
- (1) Regulations may prescribe the form of records to be
- 119 kept of proceedings under this article and may require that
- 120 certain categories of those proceedings be in writing.
- 121 (m) The accused shall be informed of the location of
- and right to consult counsel with regard to any non-judicial
- 123 punishment. The commander shall ensure the accused is given
- 124 appropriate means to contact counsel."
- 125 "\$31-2A-19
- Subject to Section 31-2A-17 (Article 17), special
- 127 courts-martial have jurisdiction to try individuals subject to
- this code for military-specific offenses made punishable by
- 129 this code, and under such limitations as the Governor may
- 130 prescribe, may adjudge any punishment not forbidden by this
- 131 code except dishonorable discharge, dismissal, confinement for
- more than six months, or forfeiture of pay exceeding 24 days.
- 133 Additional punishments under this section include reduction of
- 134 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
- 136 may be reduced to the rank of E-4. Officers may be reduced in
- 137 rank to the highest rank where the officer last served
- 138 honorably before the underlying offense occurred."
- 139 Section 2. This act shall become effective on October
- 140 1, 2025.





141 142 143	Senate
144 145 146 147	Read for the first time and referred
148 149 150 151	Read for the second time and placed27-Feb-25 on the calendar: 0 amendments
152 153 154 155 156 157 158	Read for the third time and passed06-Mar-25 as amended Yeas 28 Nays 0 Abstains 0
159 160 161	Patrick Harris, Secretary.