

**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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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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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.

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

45 (5) A reduction to the next inferior pay grade of an  
46 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.

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



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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 ~~(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-6 or below.

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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85 (2) Mitigate extra duties to restriction.

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

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

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



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

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

118 (l) 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  
122 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

126 Subject to Section 31-2A-17 (Article 17), special  
127 courts-martial have jurisdiction to try individuals subject to  
128 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  
132 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  
135 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.



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143 Senate

144 Read for the first time and referred .....18-Feb-25  
145 to the Senate committee on Veterans,  
146 Military Affairs and Public Safety  
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148 Read for the second time and placed .....27-Feb-25  
149 on the calendar:  
150 0 amendments  
151  
152 Read for the third time and passed .....06-Mar-25  
153 as amended  
154 Yeas 28  
155 Nays 0  
156 Abstains 0  
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Patrick Harris,  
Secretary.

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