

SB179 INTRODUCED



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



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SYNOPSIS:

The Alabama Code of Military Justice provides that certain disciplinary measures may be taken by members of a particular rank against subordinately ranked members.

This bill would revise and further provide for the ranks of members that may take these measures and the ranks of members against which these measures may be taken.

This bill would also further provide for disciplinary measures that may be taken.

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



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29 amended by Act 2024-329, 2024 Regular Session, Code of Alabama
30 1975, are amended to read as follows:

31 "§31-2A-15

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

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

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

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

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

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

52 (1) An admonition.

53 (2) A reprimand.

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

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



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

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

61 ~~(6)~~ (7) Extra duties, including fatigue or other duties,
62 for up to eight days, which need not be consecutive.

63 ~~(7)~~ (8) Restriction to certain specified limits, with or
64 without suspension from duty, for not more than 14 days, which
65 need not be consecutive.

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

70 (1) Upon officers of the officer's command, any
71 punishment authorized in subdivisions (1) through (4), (6),
72 and (7) of subsection (d).

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

76 (3) A reduction of not more than two pay grades of
77 enlisted members that are E-6 or below.

78 (f) Whenever any of those punishments are combined to
79 run consecutively, the total length of the combined punishment
80 cannot exceed the authorized duration of the longest
81 punishment in the combination, and there must be an
82 apportionment of punishments so that no single punishment in
83 the combination exceeds its authorized length under this
84 article.



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85 (g) Prior to the offer of non-judicial punishment, the
86 commanding officer shall determine whether restriction shall
87 be considered as a punishment. The determination of whether
88 restriction is a punishment option does not prohibit the
89 accused from requesting his or her right to demand trial by
90 special court-martial.

91 (h) The officer who imposes the punishment, or the
92 successor in command, at any time, may suspend, set aside,
93 mitigate, or remit any part or amount of the punishment and
94 restore all rights, privileges, and property affected. The
95 officer also may do either of the following:

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

97 (2) Mitigate extra duties to restriction.

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

104 (i) An individual punished under this article who
105 considers the punishment unjust or disproportionate to the
106 offense, through the proper channel, may appeal to the next
107 superior authority within 30 days after the punishment is
108 either announced or sent to the accused, as the commander may
109 determine. The appeal shall be promptly forwarded and decided.
110 During the pendency of the appeal, the punishment shall not be
111 implemented. The superior authority may exercise the same
112 powers with respect to the punishment imposed as may be



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113 exercised under subsection (h) by the officer who imposed the
114 punishment. Before acting on an appeal from a punishment, the
115 authority that is to act on the appeal may refer the case to a
116 judge advocate for consideration and advice.

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

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

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

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

137 "§31-2A-19

138 Subject to Section 31-2A-17 (Article 17), special
139 courts-martial have jurisdiction to try individuals subject to
140 this code for military-specific offenses made punishable by



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141 this code, and under such limitations as the Governor may
142 prescribe, may adjudge any punishment not forbidden by this
143 code except dishonorable discharge, dismissal, confinement for
144 more than six months, or forfeiture of pay exceeding 24 days.
145 Additional punishments under this section include reduction of
146 soldiers or airmen in the rank of ~~E-6~~ E-9 and below to the
147 rank of E-1. ~~Soldiers or airmen in the rank of E-7 through E-9~~
148 ~~may be reduced to the rank of E-4.~~ Officers may be reduced in
149 rank to the highest rank where the officer last served
150 honorably before the underlying offense occurred."

151 Section 2. This act shall become effective on October
152 1, 2025.