



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4638 (Substitute H-1 as reported by the Committee of the Whole)

Sponsor: Representative John Garfield

House Committee: Veterans Affairs and Homeland Security

Senate Committee: Senior Citizens and Veterans Affairs

CONTENT

The bill would revise several provisions of the Michigan Code of Military Justice. Currently, the Code applies to all members of the Michigan National Guard while on active State duty. Under the bill, the Code would apply to all members of the State military forces, when not in Federal service, from the date of their terms of call, order, or other directive.

The bill would do all of the following:

- Set a deadline for the appeal of disciplinary punishment.
- Revise requirements pertaining to the appointment of a military judge.
- Allow an affirmative defense in a trial by court-martial for the accused's severe mental disease or defect.
- Include being under the influence of a controlled substance in provisions that prohibit being under the influence of intoxicating liquor.
- Prohibit a person subject to the Code from using contemptuous language against various public officials; wasting, spoiling, or destroying certain property; unlawfully taking, obtaining, or withholding certain property or money; or falsely or fraudulently using a State- or Federally issued credit card, telephone, telephone calling card, or other access device.
- Allow a local law enforcement officer to apprehend a person subject to the Code.

Also, a person subject to the Code must be punished as directed by a court-martial for certain acts committed before or in the presence of the enemy. The bill would include actions committed during the performance of duty in a peacetime emergency or civil disturbance.

MCL 32.1002 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 10-11-05

Fiscal Analyst: Bruce Baker