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Senate Bill 690 (as reported without amendment)  
Sponsor: Senator Veronica Klinefelt  
Committee: Veterans and Emergency Services

## **CONTENT**

The bill would amend the Michigan Code of Military Justice to do the following:

- Specify that the Code would apply to all members of the State military forces, except when in Federal service, and specify that the Code's military courts would have jurisdiction over an individual subject to the Code if that individual were on any time of duty status with the State military at the time of the offense or if the offense had any connection with State military forces.
- Rename the State Judge Advocate General to the State Staff Judge Advocate.
- Allow the Adjutant General to appoint the State Staff Judge Advocate.
- Prescribe the rights of a victim in a military court, which would generally include the rights conferred by State law in nonmilitary courts.
- Modify the punishments that a commanding officer could impose for a minor offense under the commander's command.
- Modify the punishments that an officer of the rank of major or above could impose on other military personnel under that officer's command, including the removal of an officer's ability to impose a punishment of correctional custody.
- Allow a person to demand trial by court-martial for an offense if the offense's punishment could amount to arrest in quarters or restriction, but not for a lesser punishment.
- Increase the number of members required of a general court-martial and special court-martial.
- Grant the Army and Air National Guard court-martial jurisdiction.
- Modify the punishments that general, special, and summary courts-martial could impose.
- Require a commanding officer to get the consent of the Adjutant General before convening a special or summary court-martial.
- Prescribe requirements for and the scope of military judges, including the handling of prereferral matters.
- Allow the accused to request a military defense council.
- Increase, from two years to five years, the statute of limitations for individuals to be court-martialed or punished.
- Increase the fines for contempt of court in military court.
- Prescribe requirements for conviction and sentencing in a general or special court-martial.
- Require a court-martial sentence to result in the forfeiture of pay or pay and allowance, unless otherwise specified.

Additionally, the bill would require a court-martial to punish an individual subject to the Code for any of the following:

- Illegal sexual activity or assault and engagement in unwelcome sexual behavior.
- Impersonation of an officer and the wrongful wearing of an insignia.
- Wrongful introduction of a controlled substance into a vehicle or other property.
- Use of a stolen credit card.
- Use of false pretenses to obtain services.
- Forceful or violent stealing.

- Distribution of protected information.
- Infliction of bodily harm on others or intimidation to falsify an oath.
- Obstruction of justice.
- Retaliation against an individual for reporting an offense.
- Drunk and disorderly conduct, extramarital conduct, or furnishing liquor to a minor.

MCL 32.1002 et al.

### **BRIEF RATIONALE**

The bill would align the Michigan Code of Military Justice with Federal law. The Code was last revised in 2005 and does not reflect many important changes that Federal law has undergone in the last 19 years, such as penalties for sexual assault and sexual harassment. Some people believe that aligning the Code with Federal law would provide a more fair, effective, and efficient system of military justice in the Michigan National Guard.

Legislative Analyst: Alex Krabill

### **FISCAL IMPACT**

The bill would have no fiscal impact on local courts. There would be an impact for State military courts due to many changing judicial procedures, specifically, procedures related to notice and victims' rights. These fiscal impacts are indeterminate but are not expected to require an appropriation.

Date Completed: 2-22-24

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