

CHAPTER 188  
SB 338-FN – FINAL VERSION

02/08/12 0546s  
15May2012... 2007h

2012 SESSION

12-2828  
05/10

SENATE BILL        **338-FN**

AN ACT            relative to military discipline by the national guard and relative to qualifications of national guard judge advocate staff.

SPONSORS:        Sen. Lambert, Dist 13; Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. De Blois, Dist 18; Sen. Gallus, Dist 1; Sen. Luther, Dist 12; Sen. Odell, Dist 8; Rep. Baldasaro, Rock 3

COMMITTEE:      Public and Municipal Affairs

---

AMENDED ANALYSIS

This bill removes a statutory reference to non-judicial punishment in the New Hampshire code of military justice. The bill also requires a member of the national guard judge advocate staff serving as lead counsel in a state court proceeding to be a member of the New Hampshire Bar Association.

-----

Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struck through~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 188  
SB 338-FN – FINAL VERSION

02/08/12 0546s  
15May2012... 2007h

12-2828  
05/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT                   relative to military discipline by the national guard and relative to qualifications  
of national guard judge advocate staff.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           188:1 Military Discipline. Amend RSA 110-B:39 to read as follows:

2           110-B:39 Military Discipline. The system of discipline of the national guard shall conform  
3 generally to that of the armed forces of the United States, and all personnel on duty or in active state  
4 service shall be subject to the punitive and disciplinary provisions of this chapter. Trial and  
5 punishment by civil authorities shall not bar trial and punishment or dismissal from the service by  
6 court-martial for any military offense involved. Reductions in rank and pay grade for judicial [~~or~~  
7 ~~non-judicial~~] punishment shall be in accordance with the provisions of the Uniform Code of Military  
8 Justice.

9           188:2 Appointment of Judge Advocate; New Hampshire Bar Membership; When Required.  
10 Amend RSA 110-B:16, IV to read as follows:

11           IV. Members of the national guard may be ordered by the governor or under his authority to  
12 perform special duty, including duty in a judicial proceeding conducted pursuant to this chapter or  
13 as a member of or in any other capacity with any military board or as an investigating officer or as a  
14 medical examiner or as a judge advocate in the performance of legal services in any suit, action or  
15 proceeding. ***In all cases where a member of the national guard judge advocate staff serves***  
16 ***as lead counsel in a New Hampshire state court, such counsel shall be a member of the***  
17 ***New Hampshire Bar Association.***

18           188:3 Effective Date. This act shall take effect upon its passage.

19 Approved: June 11, 2012

20 Effective Date: June 11, 2012