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AB-2273 Military law: suicide. (2015-2016)

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Assembly Bill No. 2273

CHAPTER 328

An act to amend Section 451 of the Military and Veterans Code, relating to military law.

[Approved by Governor September 13, 2016. Filed with Secretary of State September 13, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2273, Irwin. Military law: suicide.

Existing law establishes the California National Guard and adopts the Uniform Code of Military Justice, and the Manual for Courts-Martial, as governing and applicable to the active state militia, including the California National Guard.

This bill would prohibit a member of the active militia, including the California National Guard, from being prosecuted for a military crime based on an attempt to kill himself or herself. The bill would also require the Adjutant General to ensure that any member of the active militia that attempts to kill himself or herself is referred, as soon as practically possible, to the department's Behavioral Health Liaison Program, or its successor, to receive assistance, counseling, or referral to other appropriate available services.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 451 of the Military and Veterans Code is amended to read:

451. (a) The constitution and jurisdiction of general courts-martial, special courts-martial, summary courts-martial, and courts of inquiry, the form and manner in which the proceedings are conducted and recorded, the forms of oaths and affirmations taken in the administration of military law by such courts, the limits of punishment, and the proceedings in the revision thereof, shall be governed by the terms of the laws and regulations governing the United States Army, Air Force, or Navy, and the law and procedure of similar courts of the United States Army, Air Force, or Navy, except as otherwise provided in this chapter.

(b) The provisions of the Uniform Code of Military Justice, and the rules and regulations published thereunder, shall govern and be applicable to the active militia, including the California National Guard, except as otherwise provided in this code, the California Manual for Courts-Martial, or other regulations as adopted by the Governor or Adjutant General.

(c) (1) Notwithstanding subdivision (b), an attempt by a member of the active militia, including the California National Guard, to kill himself or herself shall not be prosecuted as a military crime.

(2) The Adjutant General shall ensure that any member of the active militia that attempts to kill himself or herself shall be referred, as soon as practically possible, to the department's Behavioral Health Liaison Program, or its successor, to receive assistance, counseling, or referral to other appropriate available services.

