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SB-193 The state militia. (2015-2016)

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Senate Bill No. 193

CHAPTER 533

An act to amend Sections 102 and 451 of the Military and Veterans Code, relating to the state militia.

[Approved by Governor October 06, 2015. Filed with Secretary of State October 06, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 193, Committee on Veterans Affairs. The state militia.

Existing law 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This bill would delete outdated references to executive orders and statutes creating the Manual for Courts-Martial and the Uniform Code of Military Justice, update specified references, and provide that these apply except as otherwise provided in the California Manual for Courts-Martial or other regulations adopted by the Governor or the Adjutant General.

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

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

SECTION 1. Section 102 of the Military and Veterans Code is amended to read:

102. The Uniform Code of Military Justice (Chapter 47 (commencing with Section 801) of Title 10 of the United States Code) and the rules and regulations adopted thereunder, together with the Manual for Courts-Martial, United States, are hereby adopted as a part of this code and shall govern and be applicable, except as otherwise provided in this code or in the California Manual for Courts-Martial or other regulations adopted by the Governor or the Adjutant General, to the active militia, including the California National Guard.

SEC. 2. 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.

