



# **Introduction to HB 124** **Amending the Idaho Code of Military Justice**

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# Bottom Line Up Front

HB 124 amends and updates current Section 1102, Chapter 11, Title 46, Idaho Code, to align the Idaho Code of Military Justice (ICMJ) with the Uniform Code of Military Justice (UCMJ), which was amended by the federal Military Justice Act of 2016.

The purpose of HB 124 is to:

1. Establish consistency to produce more uniform application of military criminal law between state and federal statuses
2. Establish key procedural safeguards and processes in the ICMJ
3. Modernize and refine the military punitive articles



# History of the Military Justice Act

- October 2013, Secretary of Defense created the Military Justice Review Group to conduct comprehensive review of UCMJ
- Military Justice Review Group produced 1300-page report with recommended changes
- Military Justice Act of 2016 passed in FY17 National Defense Authorization Act, and signed into law December 2016
- An Executive Order signed on 1 March 2018 updated the Manual for Courts-Martial
- MJA 16 changes go into effect 1 January 2019

**“The most significant reforms to the Uniform Code of Military Justice since it was enacted ... [60 years] ago.” Sen. John S. McCain III**



# Problem Statement

Because of the changes to the UCMJ enacted by the Military Justice Act of 2016, the Idaho Code of Military Justice is no longer consistent with the UCMJ.

This causes inconsistent application of military justice between state and federal statuses, a reduction of due process rights to accused and victims, and a reduction of the Governor's control as commander in chief.



# HB 124 Key Amendments

- **Procedural Amendments**

- Increased rights for victims of crimes (Article 6b)
- More robust Article 32 procedures (aka military grand jury) (Article 32)
- Establishment of a “military magistrate” program (Article 26a)
- Refinement of court-martial convening and trial procedure (Articles 25, 26, 27, 29, 30, 33, 34, 35, 46, 47, 48, 49, 50, and 52)
- New type of judge-alone court-martial (Article 16)
- Streamlined sentencing and post-trial procedure (Articles 53, 53a, 54, 56, 57, 58a, 60, 61, 62, 63, 64, 65, and 72)

- **Substantive Amendments to Military Punitive Articles**

- Complete re-ordering and clarifying of punitive articles (Articles 77-134)
- Prohibited activity between recruit/trainee and person of position of special trust (Article 93a)
- Wearing of unauthorized insignia and awards (Article 106a)
- Endangerment offenses – no more “dueling” (Article 114)
- Offenses concerning government computers, aka, unauthorized access of classified information (Article 123)
- Retaliation (Article 132)



# QUESTIONS

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