

STATEMENT OF PURPOSE

RS31809 / H0100

This legislation seeks to amend and update the Idaho Code of Military Justice (ICMJ) to further enhance commanders' ability to maintain good order and discipline, enhance access to constitutional protections for accused, and remove antiquated and inapplicable language. The ICMJ currently contains various provisions that are incompatible with the IDNG when operating in a Title 32 or State active-duty status, therefore hindering the IDNG's ability to properly administer military justice. To remedy this issue, the revisions will 1) promote consistency in the application of military justice; 2) enhance ICMJ's compatibility with IDNG operations; and 3) empower subordinate commanders to conduct military justice by removing technical/legal barriers, which will improve good order and discipline at the lowest level. Key changes include: removing the promotion authority requirement for a commander to initiate nonjudicial punishment (NJP), which will allow lower level commanders to use NJP; removing a member's ability to turndown NJP unless restriction on liberty is sought by a commander; making Summary Court Martial mandatory to provide for quick and cost effective punitive review of members' misconduct; removing inapplicable language pertaining to naval and other services; removing unconstitutional arrest and seizure given the Idaho Supreme Court decision in State v Clarke.

FISCAL NOTE

This legislation will have no impact on the state's General fund or any dedicated fund or federal fund because all actions arising from the ICMJ are funded by federal training funds. No State of Idaho funds are projected to the needed from ICMJ actions because all actions occur during drill weekends or annual training where involved persons are under command and control of the Adjutant General and are federally funded.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).