

BILL ANALYSIS

S.B. 1217
By: Seliger
Defense Affairs & State-Federal Relations
Committee Report (unamended)

BACKGROUND AND PURPOSE

The Texas Code of Military Justice (TCMJ) currently limits the discretion of the commander of a soldier in a Section 15 action to only demoting the individual equivalent to the rank to which the commander can promote said individual. This has caused delay in the administration of this, the lowest and least significant of the TCMJ punishments. Additionally, it creates a situation where the highest ranking officer in the state must take action on a relatively insignificant disciplinary issue.

TCMJ sentencing provisions have not been reviewed since 1987. Significant changes have taken place during the subsequent years aligning fines with increased earning capacity and increasing jail time to discourage potential offenders. The minimal fines and sentencing guidelines of TCMJ are antiquated and need to be addressed to promote good order and discipline within the Texas military forces.

SB 1217 decreases the minimum rank of officer that may reduce personnel by two pay grades and increases the maximum punishable fine and incarceration for particular military offenses tried by court martial.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 432.021, Government Code, by amending Subsection (b) and adding Subsection (i), as follows:

(b) Includes reduction of not more than two pay grades, if imposed by a commanding officer of the grade of colonel or above, or reduction of not more than one pay grade, if imposed by a commanding officer of a grade lower than colonel, among the disciplinary punishments for minor offenses without the intervention of a court-martial.

(i) Authorizes a commanding officer to delegate authority to make certain reductions in pay grade to the commanding officer's executive officer, chief of staff, or vice commander.

SECTION 2. Amends Section 432.033(a), Government Code, to authorize a general court-martial, under limitations the governor prescribes, to adjudge a fine of not more than \$1,000, rather than \$200, or confinement of 360, rather than 200, days.

SECTION 3. Amends Section 432.034(a), Government Code, to include that a special court-martial has the same powers of punishment as a general court-martial, except that a special court-martial may not impose more than a \$500, rather than \$100, fine or confinement of more than 180, rather than 100, days for a single offense.

SECTION 4. Amends Section 432.035(c), Government Code, to authorize a summary court martial to sentence a person to pay a fine of not more than \$200, rather than \$25, or confinement for not more than 90, rather than 25, days for a single offense, to forfeiture of pay and allowances, and to reduction of a noncommissioned officer to the ranks.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2005.

EFFECTIVE DATE

This Act takes effect on September 1, 2005.