

By: Seliger, Estes, Van de Putte

S.B. No. 1217

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishments authorized under the Texas Code of
3 Military Justice.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 432.021, Government Code, is amended by
6 amending Subsection (b) and adding Subsection (i) to read as
7 follows:

8 (b) Subject to Subsection (a), a commanding officer may, in
9 addition to or in lieu of admonition or reprimand, impose one or
10 more of the following disciplinary punishments for minor offenses
11 without the intervention of a court-martial:

12 (1) on officers of his command:

13 (A) restriction to certain specified limits with
14 or without suspension from duty, for not more than 30 days; or

15 (B) if imposed by the governor, or an officer of
16 general rank in command:

17 (i) arrest in quarters for not more than 30
18 days;

19 (ii) forfeiture of not more than half of one
20 month's pay a month for two months or a fine of not more than \$75;

21 (iii) restriction to certain specified
22 limits, with or without suspension from duty, for not more than 60
23 days; or

24 (iv) detention of not more than half of one

1 month's pay a month for three months; and

2 (2) on other personnel of his command:

3 (A) if imposed on a person attached to or
4 embarked in a vessel, confinement for not more than three days;

5 (B) correctional custody for not more than seven
6 days;

7 (C) forfeiture of not more than seven days' pay
8 or a fine of not more than \$50;

9 (D) reduction of not more than two pay grades, if
10 imposed by a commanding officer of the grade of colonel or above, or
11 reduction of not more than one [to the next inferior] pay grade, if
12 imposed by a commanding officer of a grade lower than colonel~~[, if~~
13 ~~the grade from which demoted is within the promotion authority of~~
14 ~~the officer imposing the reduction or an officer subordinate to the~~
15 ~~one who imposes the reduction];~~

16 (E) extra duties including fatigue or other
17 duties, for not more than 30 days, which need not be consecutive,
18 and for not more than two hours a day, holidays included;

19 (F) restriction to certain specified limits,
20 with or without suspension from duty for not more than 14 days;

21 (G) detention of not more than 14 days' pay; or

22 (H) if imposed by an officer of the grade of major
23 or above:

24 (i) the punishment authorized under
25 Subsection (b)(2)(A);

26 (ii) correctional custody for not more than
27 30 days;

1 (iii) forfeiture of not more than half of
2 one month's pay a month for two months or a fine of not more than
3 \$100;

4 (iv) reduction to the lowest or any
5 intermediate pay grade, if the grade from which demoted is within
6 the promotion authority of the officer imposing the reduction or an
7 officer subordinate to the one who imposes the reduction, but an
8 enlisted member in a pay grade above E-4 may not be reduced more
9 than two pay grades;

10 (v) extra duties, including fatigue or
11 other duties, for not more than 45 days which need not be
12 consecutive and for not more than two hours a day, holidays
13 included;

14 (vi) restriction to certain specified
15 limits with or without suspension from duty, for not more than 60
16 days; or

17 (vii) detention of not more than half of one
18 month's pay a month for three months.

19 (i) A commanding officer may delegate authority to make a
20 reduction in pay grade under Subsection (b)(2)(D) to the commanding
21 officer's executive officer, chief of staff, or vice commander.

22 SECTION 2. Section 432.033(a), Government Code, is amended
23 to read as follows:

24 (a) Subject to Section 432.032, a general court-martial has
25 jurisdiction to try a person subject to this chapter for any offense
26 made punishable by this chapter and may, under limitations the
27 governor prescribes, adjudge any of the following punishments:

1 (1) a fine of not more than \$1,000 [~~\$200~~] or
2 confinement for not more than 360 [~~200~~] days;

3 (2) forfeiture of pay and allowances;

4 (3) reprimand;

5 (4) dismissal or dishonorable discharge;

6 (5) reduction of a noncommissioned officer to the
7 ranks; or

8 (6) any combination of those punishments.

9 SECTION 3. Section 432.034(a), Government Code, is amended
10 to read as follows:

11 (a) Subject to Section 432.032, a special court-martial has
12 jurisdiction to try a person subject to this chapter, except a
13 commissioned officer, for any offense for which he may be punished
14 under this chapter. A special court-martial has the same powers of
15 punishment as a general court-martial, except that a special
16 court-martial may not impose more than a \$500 [~~\$100~~] fine or
17 confinement of more than 180 [~~100~~] days for a single offense.

18 SECTION 4. Section 432.035(c), Government Code, is amended
19 to read as follows:

20 (c) A summary court-martial may sentence a person to pay a
21 fine of not more than \$200 [~~\$25~~] or confinement for not more than 90
22 [~~25~~] days for a single offense, to forfeiture of pay and allowances,
23 and to reduction of a noncommissioned officer to the ranks.

24 SECTION 5. The changes in law made by this Act apply only to
25 an offense committed on or after the effective date of this Act. An
26 offense committed before the effective date of this Act is covered
27 by the law in effect when the offense was committed, and the former

1 law is continued in effect for that purpose. For purposes of this
2 section, an offense was committed before the effective date of this
3 Act if any element of the offense was committed before that date.

4 SECTION 6. This Act takes effect September 1, 2005.