

1-1 By: Seliger, Estes, Van de Putte S.B. No. 1217
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; April 4, 2005, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; April 4, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the punishments authorized under the Texas Code of
1-9 Military Justice.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 432.021, Government Code, is amended by
1-12 amending Subsection (b) and adding Subsection (i) to read as
1-13 follows:

1-14 (b) Subject to Subsection (a), a commanding officer may, in
1-15 addition to or in lieu of admonition or reprimand, impose one or
1-16 more of the following disciplinary punishments for minor offenses
1-17 without the intervention of a court-martial:

1-18 (1) on officers of his command:

1-19 (A) restriction to certain specified limits with
1-20 or without suspension from duty, for not more than 30 days; or

1-21 (B) if imposed by the governor, or an officer of
1-22 general rank in command:

1-23 (i) arrest in quarters for not more than 30
1-24 days;

1-25 (ii) forfeiture of not more than half of one
1-26 month's pay a month for two months or a fine of not more than \$75;

1-27 (iii) restriction to certain specified
1-28 limits, with or without suspension from duty, for not more than 60
1-29 days; or

1-30 (iv) detention of not more than half of one
1-31 month's pay a month for three months; and

1-32 (2) on other personnel of his command:

1-33 (A) if imposed on a person attached to or
1-34 embarked in a vessel, confinement for not more than three days;

1-35 (B) correctional custody for not more than seven
1-36 days;

1-37 (C) forfeiture of not more than seven days' pay
1-38 or a fine of not more than \$50;

1-39 (D) reduction of not more than two pay grades, if
1-40 imposed by a commanding officer of the grade of colonel or above, or
1-41 reduction of not more than one [to the next inferior] pay grade, if
1-42 imposed by a commanding officer of a grade lower than colonel [the
1-43 grade from which demoted is within the promotion authority of the
1-44 officer imposing the reduction or an officer subordinate to the one
1-45 who imposes the reduction];

1-46 (E) extra duties including fatigue or other
1-47 duties, for not more than 30 days, which need not be consecutive,
1-48 and for not more than two hours a day, holidays included;

1-49 (F) restriction to certain specified limits,
1-50 with or without suspension from duty for not more than 14 days;

1-51 (G) detention of not more than 14 days' pay; or

1-52 (H) if imposed by an officer of the grade of major
1-53 or above:

1-54 (i) the punishment authorized under
1-55 Subsection (b)(2)(A);

1-56 (ii) correctional custody for not more than
1-57 30 days;

1-58 (iii) forfeiture of not more than half of
1-59 one month's pay a month for two months or a fine of not more than
1-60 \$100;

1-61 (iv) reduction to the lowest or any
1-62 intermediate pay grade, if the grade from which demoted is within
1-63 the promotion authority of the officer imposing the reduction or an
1-64 officer subordinate to the one who imposes the reduction, but an

2-1 enlisted member in a pay grade above E-4 may not be reduced more
2-2 than two pay grades;

2-3 (v) extra duties, including fatigue or
2-4 other duties, for not more than 45 days which need not be
2-5 consecutive and for not more than two hours a day, holidays
2-6 included;

2-7 (vi) restriction to certain specified
2-8 limits with or without suspension from duty, for not more than 60
2-9 days; or

2-10 (vii) detention of not more than half of one
2-11 month's pay a month for three months.

2-12 (i) A commanding officer may delegate authority to make a
2-13 reduction in pay grade under Subsection (b)(2)(D) to the commanding
2-14 officer's executive officer, chief of staff, or vice commander.

2-15 SECTION 2. Subsection (a), Section 432.033, Government
2-16 Code, is amended to read as follows:

2-17 (a) Subject to Section 432.032, a general court-martial has
2-18 jurisdiction to try a person subject to this chapter for any offense
2-19 made punishable by this chapter and may, under limitations the
2-20 governor prescribes, adjudge any of the following punishments:

2-21 (1) a fine of not more than \$1,000 [~~\$200~~] or
2-22 confinement for not more than 360 [~~200~~] days;

2-23 (2) forfeiture of pay and allowances;

2-24 (3) reprimand;

2-25 (4) dismissal or dishonorable discharge;

2-26 (5) reduction of a noncommissioned officer to the
2-27 ranks; or

2-28 (6) any combination of those punishments.

2-29 SECTION 3. Subsection (a), Section 432.034, Government
2-30 Code, is amended to read as follows:

2-31 (a) Subject to Section 432.032, a special court-martial has
2-32 jurisdiction to try a person subject to this chapter, except a
2-33 commissioned officer, for any offense for which he may be punished
2-34 under this chapter. A special court-martial has the same powers of
2-35 punishment as a general court-martial, except that a special
2-36 court-martial may not impose more than a \$500 [~~\$100~~] fine or
2-37 confinement of more than 180 [~~100~~] days for a single offense.

2-38 SECTION 4. Subsection (c), Section 432.035, Government
2-39 Code, is amended to read as follows:

2-40 (c) A summary court-martial may sentence a person to pay a
2-41 fine of not more than \$200 [~~\$25~~] or confinement for not more than 90
2-42 [~~25~~] days for a single offense, to forfeiture of pay and allowances,
2-43 and to reduction of a noncommissioned officer to the ranks.

2-44 SECTION 5. The changes in law made by this Act apply only to
2-45 an offense committed on or after the effective date of this Act. An
2-46 offense committed before the effective date of this Act is covered
2-47 by the law in effect when the offense was committed, and the former
2-48 law is continued in effect for that purpose. For purposes of this
2-49 section, an offense was committed before the effective date of this
2-50 Act if any element of the offense was committed before that date.

2-51 SECTION 6. This Act takes effect September 1, 2005.

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