

By: Eckhardt

S.B. No. 791

A BILL TO BE ENTITLED

AN ACT

relating to the right of members of the Texas military forces to demand trial by court-martial for minor offenses.

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

SECTION 1. Section 432.015, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1) and subject to ~~Under~~ regulations as may be prescribed, any commanding officer may impose disciplinary punishments for minor offenses without the intervention of a court-martial in accordance with this subchapter. ~~[There is no right to trial by court-martial in lieu of nonjudicial punishment imposed under this section.]~~ Only the governor, the adjutant general, or an officer of a general or flag rank in command may delegate the powers under this section to a principal assistant who is a member of the state military forces.

(a-1) Any accused person who is facing discipline under this section has the right to demand trial by court-martial in lieu of nonjudicial punishment imposed under this section.

SECTION 2. Section 432.015(a-1), Government Code, as added by this Act, applies only to conduct subject to punishment under Section 432.015, Government Code, that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the

1 date the conduct occurred, and the former law is continued in effect
2 for that purpose.

3 SECTION 3. This Act takes effect September 1, 2023.