

HOUSE BILL NO. 1074

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact sections 37-01-03 and 37-01-43 of the North Dakota
2 Century Code, relating to the operation and regulation of the North Dakota national guard.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 37-01-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **37-01-03. Articles of uniform code of military justice applicable in state - Regulations**
7 **governing - Punishment for offenses while on duty.**

8 The articles of uniform code of military justice [10 U.S.C. 801-950] in effect on
9 December 31, ~~2022~~2024, governing the armed forces of the United States and the Manual for
10 Courts-Martial, United States, ~~2019~~2024 edition, are a part of this title so far as the articles are
11 applicable and not modified by any provision of this title. An individual who commits an offense
12 while on military duty status, including state active duty, may be tried by a court-martial lawfully
13 appointed even after the duty has terminated, and if found guilty, the accused must be punished
14 according to the articles of uniform code of military justice and the rules and regulations
15 governing the armed forces of the United States, within the limits prescribed in this title and by
16 federal law for the courts-martial in the national guard. In any case in which the individual
17 alleged to have committed the offense could be charged either under the code of military justice
18 or the civil law of this state, the officer whose duty it is to approve the charge, in the officer's
19 discretion, may order the person charged or subject to being charged to be turned over to the
20 civil authorities for trial. Commanders may administer nonjudicial punishment for offenses while
21 on military duty status, including state active duty, in accordance with part V, Manual for Courts-
22 Martial, except the service member may not demand a trial by courts-martial. When reference is
23 made to the articles of uniform code of military justice, to the military service, or to the armed
24 forces of the United States, the reference must be deemed to include the military service of this

1 state. Laws of this state affecting the military forces must be construed to conform to all acts
2 and regulations of the United States affecting the same subjects.

3 **SECTION 2. AMENDMENT.** Section 37-01-43 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **37-01-43. North Dakota military civil relief act.**

6 An individual called or ordered to active service for thirty consecutive days or longer has all
7 of the protections afforded to persons in the military service of the United States under the
8 Servicemembers Civil Relief Act [50 U.S.C. 3901-4043] in effect on December 31, ~~2022~~2024.