

AMENDED IN ASSEMBLY MARCH 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2273

Introduced by Assembly Member Irwin

February 18, 2016

An act to amend Section 451 of the Military and Veterans Code, relating to military law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2273, as amended, Irwin. Military law: suicide.

Existing law establishes the California National Guard and adopts the Uniform Code of Military Justice, and the Manual for Courts-Martial, as governing and applicable to the active state militia, including the California National Guard.

This bill would prohibit a member of the active militia, including the California National Guard, from being prosecuted for a military crime based on an attempt to kill himself or herself. *The bill would also require the Adjutant General to ensure that any member of the active militia that attempts to kill himself or herself is referred, as soon as practically possible, to the department's Behavioral Health Liaison Program, or its successor, to receive assistance, counseling, or referral to other appropriate available services.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 451 of the Military and Veterans Code
- 2 is amended to read:

1 451. (a) The constitution and jurisdiction of general
2 courts-martial, special courts-martial, summary courts-martial,
3 and courts of inquiry, the form and manner in which the
4 proceedings are conducted and recorded, the forms of oaths and
5 affirmations taken in the administration of military law by such
6 courts, the limits of punishment, and the proceedings in the revision
7 thereof, shall be governed by the terms of the laws and regulations
8 governing the United States Army, Air Force, or Navy, and the
9 law and procedure of similar courts of the United States Army,
10 Air Force, or Navy, except as otherwise provided in this chapter.

11 (b) The provisions of the Uniform Code of Military Justice, and
12 the rules and regulations published thereunder, shall govern and
13 be applicable to the active militia, including the California National
14 Guard, except as otherwise provided in this code, the California
15 Manual for Courts-Martial, or other regulations as adopted by the
16 Governor or Adjutant General.

17 (c) (1) Notwithstanding subdivision (b), an attempt by a member
18 of the active militia, including the California National Guard, to
19 kill himself or herself shall not be prosecuted as a military crime.

20 (2) *The Adjutant General shall ensure that any member of the*
21 *active militia that attempts to kill himself or herself shall be*
22 *referred, as soon as practically possible, to the department's*
23 *Behavioral Health Liaison Program, or its successor, to receive*
24 *assistance, counseling, or referral to other appropriate available*
25 *services.*