

AMENDED IN ASSEMBLY JUNE 8, 2015

AMENDED IN SENATE MARCH 18, 2015

SENATE BILL

No. 193

**Introduced by Committee on Veterans Affairs (Senators Nielsen
(Chair), Allen, Hueso, Nguyen, and Roth)**

February 10, 2015

An act to amend Sections 102 and 451 of the Military and Veterans Code, relating to the state militia.

LEGISLATIVE COUNSEL'S DIGEST

SB 193, as amended, Committee on Veterans Affairs. Veterans.

Existing law 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This bill would delete outdated references to executive orders and statutes creating the Manual for Courts-Martial and the Uniform Code of Military Justice, ~~and would update a reference to the National Defense Authorization Act.~~ *update specified references, and provide that these apply except as otherwise provided in the California Manual for Courts-Martial or other regulations adopted by the Governor or the Adjutant General.*

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

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

- 1 SECTION 1. Section 102 of the Military and Veterans Code
- 2 is amended to read:

1 102. The Uniform Code of Military Justice (Chapter 47
2 (commencing with Section 801) of Title 10 of the United States
3 Code) and the rules and regulations adopted thereunder, together
4 with the Manual for Courts-Martial, United States, are hereby
5 adopted as a part of this code and shall govern and be applicable,
6 except as otherwise provided in this code or in *the California*
7 *Manual for Courts-Martial or other* regulations adopted by the
8 *Governor or the Adjutant General*, to the active militia, including
9 the California National Guard.

10 SEC. 2. Section 451 of the Military and Veterans Code is
11 amended to read:

12 451. (a) The constitution and jurisdiction of general
13 courts-martial, special courts-martial, summary courts-martial,
14 and courts of inquiry, the form and manner in which the
15 proceedings are conducted and recorded, the forms of oaths and
16 affirmations taken in the administration of military law by such
17 courts, the limits of punishment, and the proceedings in the revision
18 thereof, shall be governed by the terms of ~~the Articles of War, the~~
19 ~~National Defense Authorization Act~~, the laws and regulations
20 governing the ~~Army of the United States and the United States Air~~
21 ~~Force~~, *United States Army, Air Force, or Navy*, and the law and
22 procedure of similar courts of the United States Army, ~~and the~~
23 ~~United States Air Force~~, *Air Force, or Navy*, except as otherwise
24 provided in this chapter.

25 (b) The provisions of the Uniform Code of Military Justice, and
26 the rules and regulations published thereunder, shall govern and
27 be applicable *to the active militia, including the California National*
28 *Guard*, except as otherwise provided in this ~~code to the active~~
29 ~~militia including the California National Guard~~. *code, the*
30 *California Manual for Courts-Martial, or other regulations as*
31 *adopted by the Governor or Adjutant General.*