

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact section 37-01-03 and 37-01-43, and subsection 8 of
2 section 37-26-01 of the North Dakota Century Code, relating to the operation of the North
3 Dakota national guard.

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

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

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

9 The articles of uniform code of military justice governing the armed forces of the United
10 States as codified in the Manual for Courts-Martial, United States, ~~2016~~2019 edition, are a part
11 of this title so far as the ~~same~~articles are applicable and not modified by any provision of this
12 title. ~~A person~~An individual who commits an offense while on military duty status, ~~to~~
13 ~~include~~including state active duty, may be tried by a court-martial lawfully appointed even after
14 ~~such~~the duty has terminated, and if found guilty, the accused must be punished according to the
15 articles of uniform code of military justice and the rules and regulations governing the armed
16 forces of the United States and, within the limits prescribed in this title and by federal law for the
17 courts-martial in the national guard. In any case in which the ~~person~~individual alleged to have
18 committed the offense could be charged either under the code of military justice or the civil law
19 of this state, the officer whose duty it is to approve ~~such~~the charge, in the officer's discretion,
20 may order the person charged or subject to being charged to be turned over to the civil
21 authorities for trial. Commanders may administer nonjudicial punishment for offenses while on
22 military duty status, ~~to include~~including state active duty, in accordance with part V, Manual for
23 Courts-Martial, except that the service member may not demand a trial by courts-martial.
24 ~~Whenever~~When reference is made to the articles of uniform code of military justice, to the

1 military service, or to the armed forces of the United States, such~~the~~ reference shall~~must~~ be
2 deemed to include the military service of this state. ~~The intent of this title and of all laws~~Laws of
3 this state affecting the military forces is~~must be construed~~ to conform to all acts and regulations
4 of the United States affecting the same subjects,~~and all laws of this state shall be construed to~~
5 ~~effect this purpose.~~

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

8 **37-01-43. North Dakota military civil relief act.**

9 ~~A person~~An individual called or ordered to active service for thirty consecutive days or
10 longer has all of the protections afforded to persons in the military service of the United States
11 under the Servicemembers Civil Relief Act [50 U.S.C. 3901-4043] in effect on December 31,
12 ~~2018~~2020.

13 **SECTION 3. AMENDMENT.** Subsection 8 of section 37-26-01 of the North Dakota Century
14 Code is amended and reenacted as follows:

15 8. "Veteran" means a member of the national guard or reserve component who was
16 activated under 10 U.S.C. 12301, in effect on December 31, ~~2011~~2004, or 10 U.S.C.
17 12302, in effect on ~~October 28, 2004~~December 31, 2011, and who completed
18 honorable and faithful service of more than thirty days on active duty in the armed
19 forces of the United States at any time during the period of service, who was a
20 resident of the state of North Dakota, and who has not received bonus or adjusted
21 compensation from another state for the period of service.