

House Resolution 1523

By: Representatives Coomer of the 14th, Holcomb of the 81st, Willard of the 51st, and Atwood of the 179th

A RESOLUTION

1 Creating the Joint Study Committee to Review and Recommend Necessary Changes to the
2 Georgia Code of Military Justice; and for other purposes.

3 WHEREAS, the Georgia National Guard, which consists of the Georgia Army National
4 Guard, the Georgia Air National Guard, and the Georgia State Defense Force, operates under
5 the supervision of the Georgia Department of Defense and provides ready and relevant
6 military forces to combatant commanders, supports homeland defense, and performs other
7 activities, and in doing so, members of the Georgia National Guard serve dual missions in
8 their federal and state roles; and

9 WHEREAS, the Georgia National Guard totals over 13,000 members and operates under a
10 state budget of approximately \$9 million and a federal budget of \$552 million annually; and

11 WHEREAS, although historically the Georgia National Guard's primary function has been
12 to respond to state emergencies and other exigencies and to prepare for its federal missions,
13 its operational tempo, both domestic and abroad, has dramatically increased over the last 13
14 years under both its federal and state status; and

15 WHEREAS, as a result, the Georgia National Guard has conversed from a strategic reserve
16 to an operational force similar to that of its active duty counterparts in which members of the
17 Georgia National Guard often work side-by-side with active duty members of the United
18 States Army and the United States Air Force; and

19 WHEREAS, members of the Georgia National Guard fall under the control of the federal
20 Uniform Code of Military Justice when in federal service; and

21 WHEREAS, although the current Georgia Code of Military Justice was enacted in 1955 and
22 has not been substantially amended or updated, the culture and demands of military service
23 in the Georgia National Guard has transformed precipitously; and

24 WHEREAS, although the Georgia Code of Military Justice was, at the time, based on the
25 federal Uniform Code of Military Justice, the federal Uniform Code of Military Justice has
26 been substantially revised since 1955; and

27 WHEREAS, recognizing the changing role of the National Guard among the various states
28 and the differences among the states in their various state codes of military justice and the
29 possibility that current state military justice codes may be inadequate to ensure and maintain
30 good order and discipline, the United States Congress required, in accordance with the Bob
31 Stump National Defense Authorization Act for Fiscal Year 2003, the National Guard Bureau
32 to appoint a working group of National Guard judge advocates and senior military justice
33 experts to review and develop a Model State Code of Military Justice; and

34 WHEREAS, the National Guard Bureau formed a working group which reviewed the various
35 state codes of military justice; and found that the various states' legal and administrative
36 authority to conduct courts-martial and nonjudicial punishment varied greatly and that a
37 number of National Guard jurisdictions lacked modern and effective laws and procedures
38 necessary to have a viable military justice system; and

39 WHEREAS, the working group drafted a Model State Code of Military Justice which
40 provides a comprehensive approach towards increasing uniformity among the states for
41 court-martial and nonjudicial punishment proceedings for the National Guard when not in
42 federal service and to provide similarity to those provisions applicable to active duty military
43 members; and

44 WHEREAS, the Model State Code of Military Justice, in large measure, closely follows the
45 organization and provisions of the federal Uniform Code of Military Justice; and

46 WHEREAS, in 2005, the Department of Defense approved the Model State Code of Military
47 Justice and have recommended that all states adopt such to provide the following benefits:
48 (1) uniformity; (2) enhancing military discipline; (3) closer conformity with the federal
49 Uniform Code of Military Justice; (4) strengthening military justice training; (5) elimination
50 of interstate jurisdictional issues; (6) a useful commander's tool to further mission
51 accomplishment; (7) a step forward in the National Guard's vision of being ready, reliable,
52 and relevant; and (8) increased credibility with the active duty components and the public;
53 and

54 WHEREAS, at least 14 states have already adopted and enacted a version of the Model State
55 Code of Military Justice and 23 other states are actively reviewing such for possible
56 enactment; and

57 WHEREAS, this state should undertake a comprehensive study to consider whether
58 enactment of the Model State Code of Military Justice, or some parts thereof, would benefit
59 the Georgia National Guard, could help facilitate total force integration and interoperability,
60 could prepare members being called to federal status to meet their responsibilities and uphold
61 the standards required under the federal Uniform Code of Military Justice, or could provide
62 any other beneficial purpose.

63 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
64 GEORGIA that there is created the Joint Study Committee to Review and Recommend
65 Necessary Changes to the Georgia Code of Military Justice to be composed of 11 members
66 as follows: three members of the House of Representatives to be appointed by the Speaker
67 of the House of Representatives; three members of the Senate to be appointed by the
68 President of the Senate; and five members to be appointed by the Governor, including one
69 judge advocate in the Georgia Army National Guard, one judge advocate in the Georgia Air
70 National Guard, one district attorney or assistant district attorney, one attorney who practices
71 primarily in the area of criminal defense, and one at-large member. The Governor shall
72 designate a member of the committee as chairperson of the committee. The chairperson shall
73 call all meetings of the committee.

74 BE IT FURTHER RESOLVED that the Adjutant General of Georgia and his or her staff
75 shall work with the committee to provide information and data as required by the committee
76 to facilitate its work and to assist in the formulation of its recommendations.

77 BE IT FURTHER RESOLVED that the legislative members of the committee shall receive
78 the allowances authorized for legislative members of interim legislative committees but shall
79 receive the same for not more than five days unless additional days are authorized. The
80 public members of the committee who are not public employees shall receive from
81 legislative funds a daily expense allowance as provided in subsection (b) of Code Section
82 45-7-21 of the O.C.G.A. Any public employees who are members of the committee shall
83 receive no compensation from legislative funds but may be reimbursed for expenses by their
84 employers. The funds necessary to carry out the provisions of this resolution shall come
85 from the funds appropriated to the Senate and the House of Representatives. In the event the
86 committee makes a report of its findings and recommendations, with suggestions for

87 proposed legislation, if any, such report shall be made on or before December 1, 2014, at
88 which time the committee shall stand abolished.