

29B.47 Opportunity to obtain witnesses and other evidence.

1. The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the adjutant general may prescribe.

2. The military judge or the president of a court-martial without a military judge may:

a. Issue a warrant for the arrest of any accused person who having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

b. Issue subpoenas duces tecum and other subpoenas;

c. Enforce by attachment the attendance of witnesses and the production of books and papers; and

d. Sentence for refusal to be sworn or to answer, as provided in actions before civil courts of the state.

3. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the United States and shall be executed by civil officers as prescribed by laws of the United States or the place where the witness or evidence is located.

[C35, §467-f37; C39, §467.39; C46, 50, §29.39; C54, 58, 62, §29.76; C66, 71, 73, 75, 77, 79, 81, §29B.47; 82 Acts, ch 1042, §28]

2008 Acts, ch 1032, §201; 2010 Acts, ch 1087, §3