

29B.116A Jurisdiction of offenses by civilian courts and notification of civilian authorities.

1. a. Jurisdiction under this code shall not be extended to the crimes of murder, manslaughter, sexual abuse, robbery, arson, extortion, assault, or burglary, jurisdiction of which is reserved exclusively to civilian courts.

b. The term “civilian criminal offenses” includes all offenses not defined in this code. Primary jurisdiction over civilian criminal offenses shall be with civilian courts, even when committed by a member of the state military forces while subject to this code.

c. Where a civilian criminal offense and a military offense defined in this code may be charged based on the same event, concurrent civilian and military jurisdiction shall exist.

2. a. A commander, who is made aware of an allegation that an offense under [subsection 1](#), paragraph “a” or “b”, has been committed by a member of the state military forces against another member of the state military forces while both are subject to this code, shall notify, without delay, the civilian law enforcement agency having primary jurisdiction over the alleged offense. Upon notification, the agency shall promptly assign a case number to the allegation and shall share with the national guard the results of any investigation or inform the national guard of the reasons for not conducting an investigation.

b. (1) Regarding an allegation of sexual abuse, the commander shall provide the person making the allegation with written notice of the person’s right to notify local civilian law enforcement authorities independently, as described in [subsection 3](#). The written notice shall include contact information for an appropriate civilian law enforcement authority.

(2) Regarding an allegation of sexual abuse, the commander’s obligation to notify under paragraph “a” shall not apply to an allegation that is a restricted report, as that term is defined in federal military regulations. The commander’s obligation to notify under paragraph “a” shall apply to an allegation of sexual abuse that is an unrestricted report, as that term is defined in federal military regulations. The commander’s written notification under subparagraph (1) shall inform the person making an allegation of sexual abuse that if the person consents to making an unrestricted report that the person is thereby consenting to the commander notifying an appropriate civilian law enforcement authority so that such an authority may initiate an investigation or collect evidence. The commander’s written notification under subparagraph (1) shall also inform the person making the allegation that if the person consents to making an unrestricted report that the person is not required to speak with civilian law enforcement investigators or otherwise participate in an investigation by a civilian law enforcement authority.

3. Members of the state military forces who are victims of offenses described in [subsection 1](#) retain the right to notify local civilian law enforcement authorities independently.

[2014 Acts, ch 1069, §4](#); [2018 Acts, ch 1031, §2](#)

Referred to in [§29B.90A](#), [29B.116](#), [29B.116B](#), [803.1](#)