

State Govt.
Do pass 2-2-89 (p. 462)

FILED JAN 23 1989
House Judiciary 3-2-89 (p. 627)
Do pass 4-4-89 (p. 1250) SENATE FILE 82
BY HULTMAN

Passed Senate, Date 2-27-89 (p. 537) Passed House, Date 4-11-89 (p. 1446)
Vote: Ayes 45 Nays 2 Vote: Ayes 99 Nays 0

Approved 5-2-89 (p. 1850)

Repassed by Senate 4-18-89 (p. 1508)
Ayes 48 Nays 0 A BILL FOR

1 An Act relating to jurisdiction over and discipline of members of
2 the Iowa national guard.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4

SENATE FILE 82

H-3821

1 Amend Senate File 82, as passed by the Senate, as
2 follows:
3 1. Page 1, line 7, by inserting after the figure
4 "29B.14." the following: "A member shall be called or
5 ordered to duty within one hundred eighty days of the
6 preferring of charges, and in no event shall a charge
7 be referred to a general court-martial for trial after
8 the expiration of three years from the preferring of
9 the charge."

By KREMER of Buchanan

H-3821 FILED APRIL 4, 1989 Adopted 4-11-89 (p. 1446)

SENATE FILE 82

H-3844

1 Amend amendment, H-3821, to Senate File 82, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 9 and
4 inserting the following:
5 "____. Page 1, line 7, by inserting after the
6 figure "29B.14." the following: "A member shall be
7 called or ordered to duty within one hundred eighty
8 days of the discovery of the charged offense, and in
9 no event shall a member be called or ordered to duty
10 after the expiration of three years from the
11 termination of a period of duty.""

By KREMER of Buchanan

H-3844 FILED APRIL 5, 1989
Adopted 4-11-89 (p. 1446)

1 Section 1. Section 29B.2, Code 1989, is amended by adding
2 the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. A member of the state military
4 forces who is charged with having committed an offense against
5 this code may be called or ordered to duty for the purpose of
6 investigation under section 29B.33, trial by court-martial,
7 and nonjudicial punishment under section 29B.14.

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8 NEW UNNUMBERED PARAGRAPH. A member of the state military
9 forces who is subject to this code at the time of commission
10 of an offense made punishable by this code is not relieved
11 from amenability to the jurisdiction of this code by virtue of
12 the termination of a period of duty.

13 Sec. 2. Section 29B.14, subsection 2, paragraph a,
14 subparagraph (3), Code 1989, is amended to read as follows:

15 (3) If imposed by a commanding officer of the state
16 military forces of field grade or above, a fine of any amount
17 up to a maximum of the equivalent of ten days' pay or the
18 forfeiture of pay and allowances of not more than twenty-five
19 dollars ten days' pay.

20 Sec. 3. Section 29B.14, subsection 2, paragraph b, Code
21 1989, is amended by adding the following new subparagraph:

22 NEW SUBPARAGRAPH. (5) A fine of any amount up to a
23 maximum of the equivalent of four days' pay or the forfeiture
24 of not more than four days' pay.

25 Sec. 4. Section 29B.14, subsection 2, paragraph c, Code
26 1989, is amended to read as follows:

27 c. If the commanding officer is of field grade or above,
28 any one or a combination of the following:

29 (1) Any one or a combination of the punishments stated in
30 paragraph "b", subparagraph (1), (2), or (3) of this
31 subsection except that an enlisted member in a pay grade above
32 E-4 shall not be reduced more than two pay grades.

33 (2) A fine of any amount up to the maximum of the
34 equivalent of ten days' pay or the forfeiture of pay of not
35 more than ten dollars days' pay.

1 (3) Reduction to the lowest or any intermediate pay grade,
2 if the current grade from which demoted is within the
3 promotion authority of the officer imposing the reduction or
4 an officer subordinate to the one imposing the reduction, but
5 enlisted members in pay grades above E-4 shall not be reduced
6 more than two pay grades.

7 Sec. 5. Section 29B.18, subsection 2, paragraph c,
8 subparagraphs (1) and (2), Code 1989, are amended to read as
9 follows:

10 (1) A fine of not more than ~~twenty-five~~ fifty dollars for
11 a single offense.

12 (2) Forfeiture of not more than twenty days' pay and
13 ~~allowances, not to exceed two-thirds of base pay to be~~
14 ~~received for the equivalent of four unit training assemblies.~~

15 EXPLANATION

16 This bill provides that a member of the state military
17 forces who is charged with a violation of the code of military
18 justice may be called to duty for investigation, trial, and
19 judgment. It also provides that a member of the military
20 forces who commits a violation of the code of military justice
21 does not escape jurisdiction of the code of military justice
22 because of termination of a period of duty.

23 The bill increases certain penalties and provides for
24 certain pay grade reductions.

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HOUSE AMENDMENT TO
SENATE FILE 82

S-3688

1 Amend Senate File 82, as passed by the Senate, as

2 follows:

3 1. Page 1, line 7, by inserting after the figure
4 "29B.14." the following: "A member shall be called or
5 ordered to duty within one hundred eighty days of the
6 discovery of the charged offense, and in no event
7 shall a member be called or ordered to duty after the
8 expiration of three years from the termination of a
9 period of duty."

RECEIVED FROM THE HOUSE

S-3688 FILED APRIL 13, 1989

Senate concurred 4-18-89 (p 1508)

SENATE FILE 82

AN ACT

RELATING TO JURISDICTION OVER AND DISCIPLINE OF MEMBERS OF THE
IOWA NATIONAL GUARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 29B.2, Code 1989, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A member of the state military forces who is charged with having committed an offense against this code may be called or ordered to duty for the purpose of investigation under section 29B.33, trial by court-martial, and nonjudicial punishment under section 29B.14. A member shall be called or ordered to duty within one hundred eighty days of the discovery of the charged offense, and in no event shall a member be called or ordered to duty after the expiration of three years from the termination of a period of duty.

NEW UNNUMBERED PARAGRAPH. A member of the state military forces who is subject to this code at the time of commission of an offense made punishable by this code is not relieved from amenability to the jurisdiction of this code by virtue of the termination of a period of duty.

Sec. 2. Section 29B.14, subsection 2, paragraph a, subparagraph (3), Code 1989, is amended to read as follows:

(3) If imposed by a commanding officer of the state military forces of field grade or above, a fine of any amount up to a maximum of the equivalent of ten days' pay or the forfeiture of pay and allowances of not more than twenty-five dollars ten days' pay.

Sec. 3. Section 29B.14, subsection 2, paragraph b, Code 1989, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) A fine of any amount up to a maximum of the equivalent of four days' pay or the forfeiture of not more than four days' pay.

Sec. 4. Section 29B.14, subsection 2, paragraph c, Code 1989, is amended to read as follows:

c. If the commanding officer is of field grade or above, any one or a combination of the following:

(1) Any one-or-a-combination of the punishments stated in paragraph "b", subparagraph (1), (2), or (3),-of-this subsection-except-that-an-enlisted-member-in-a-pay-grade-above E-4-shall-not-be-reduced-more-than-two-pay-grades.

(2) A fine of any amount up to the maximum of the equivalent of ten days' pay or the forfeiture of pay of not more than ten dollars days' pay.

(3) Reduction to the lowest or any intermediate pay grade, if the current grade from which demoted is within the promotion authority of the officer imposing the reduction or an officer subordinate to the one imposing the reduction, but enlisted members in pay grades above E-4 shall not be reduced more than two pay grades.

Sec. 5. Section 29B.18, subsection 2, paragraph c, subparagraphs (1) and (2), Code 1989, are amended to read as follows:

(1) A fine of not more than twenty-five fifty dollars for a single offense.

(2) Forfeiture of not more than twenty days' pay and allowances, ~~not to exceed two-thirds of base pay to be received for the equivalent of four-unit training assemblies.~~

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 82, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 5/2, 1989

TERRY E. BRANSTAD
Governor