

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1425

4
5 By: Representative M. Berry
6 By: Senator B. Johnson

For An Act To Be Entitled

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8
9 AN ACT TO UPDATE THE MILITARY CODE OF ARKANSAS; AND
10 FOR OTHER PURPOSES.

Subtitle

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12
13 TO UPDATE THE MILITARY CODE OF ARKANSAS.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 12-64-104(b), concerning the appointment of
20 judge advocates and legal officers, is amended to read as follows:

21 (b) The Adjutant General may appoint as many assistant state judge
22 advocates as he or she shall deem necessary, which assistant state judge
23 advocates shall be officers of the organized militia and members of the bar
24 of the state, or qualified under subsection (f) of this section.

25
26 SECTION 2. Arkansas Code § 12-64-104, concerning the appointment of
27 judge advocates and legal officers, is amended to add additional subsections
28 to read as follows:

29 (f) Except as provided by subsection (g) of this section, an attorney
30 may serve as a judge advocate in the Arkansas National Guard without regard
31 to his or her licensing state if the attorney:

32 (1) Is in good standing with the licensing authority admitting
33 him or her to the practice of law before the highest court of a state,
34 territory, commonwealth, or the District of Columbia; and

35 (2) Meets any of the following requirements:

36 (A) Is approved through the standard accession process for



1 Arkansas National Guard judge advocates;

2 (B) Is accessed through an interstate transfer into the
 3 Arkansas National Guard; or

4 (C) Is a judge advocate provided at the expense of the
 5 United States Government or another state, territory, commonwealth, or the
 6 District of Columbia.

7 (g) A judge advocate who is not licensed to practice law in this state
 8 may practice:

9 (1) Military law in this state, but only if he or she is in
 10 active duty status under:

11 (A) Title 10 of the United States Code; or

12 (B) Title 32 of the United States Code; or

13 (2) Law in this state under Rule 5.5 of the Arkansas Rules of
 14 Professional Conduct, but only if he or she is in state active duty status.

15
 16 SECTION 3. Arkansas Code § 12-64-410(c), concerning trial and defense
 17 counsel, is amended to read as follows:

18 (c)(1) If a victim of a crime committed subject to this code has a
 19 special victims' counsel provided at the expense of an appropriate government
 20 agency, the special victims' counsel shall be afforded all of the rights and
 21 privileges offered to counsel at similar courts of the United States Army and
 22 the United States Air Force.

23 (2) A judge advocate certified to practice before military
 24 courts is fully certified and qualified to serve as a military judge, trial
 25 counsel, defense counsel, or special victims' counsel for the courts convened
 26 under this code, without regard to the judge advocate's licensing state.

27 (3) Any counsel furnished at the expense of the United States
 28 Government or the state government shall be qualified to serve as a military
 29 judge, trial counsel, defense counsel, or special victims' counsel under this
 30 section and, if qualified, shall be exempt from any fees or additional
 31 requirements.

32
 33 SECTION 4. Arkansas Code § 12-64-522(a)(1), concerning votes and
 34 rulings, is amended to read as follows:

35 12-64-522. Votes and rulings.

36 (a)(1) Voting by members of a general or special court-martial upon

1 question of challenge, or on the findings, ~~and on the sentence~~ shall be by
 2 secret written ballot.

3
 4 SECTION 5. Arkansas Code § 12-64-522, concerning votes and rulings, is
 5 amended to add an additional subsection to read as follows:

6 (d) If an accused is convicted in a general or special court-martial,
 7 the:

8 (1) Military judge shall impose the sentence; and

9 (2) Sentence imposed under subdivision (d)(1) of this section
 10 shall be considered the sentence of the court-martial.

11
 12 SECTION 6. Arkansas Code § 12-64-524 is amended to read as follows:
 13 12-64-524. Announcement of action.

14 (a) In all trials, whether before members or judge alone, the court-
 15 martial shall announce a finding for each charge and specification that is
 16 not dismissed or withdrawn by the prosecution to the parties as soon as the
 17 findings are determined.

18 (b) ~~In all trials before members, the court-martial shall announce a~~
 19 ~~single sentence as to confinement, fines or forfeitures, discharge or~~
 20 ~~dismissal, and reprimand and reduction in rank for all charges and~~
 21 ~~specifications for which the accused was found guilty.~~

22 (c) ~~In all trials before a judge alone, the court-martial~~ the military
 23 judge shall announce a separate sentence as to confinement, fines or
 24 forfeitures, discharge or dismissal, and reprimand and reduction in rank for
 25 each charge and specification for which the accused was found guilty.

26
 27 SECTION 7. Arkansas Code § 12-64-843 is amended to read as follows:
 28 12-64-843. Conduct unbecoming an officer ~~and a gentleman~~.

29 Any commissioned officer who is convicted of conduct unbecoming to an
 30 officer ~~and a gentleman~~ shall be punished as a court-martial may direct.