

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2362

			Of the printed Bill
Page	<u>43-44</u>	Section	<u>21</u>
		Lines	<u>P.43,L.16 - P.44,L.17</u>
			Of the Engrossed Bill

By deleting subsections H and I in their entirety and inserting in lieu thereof new subsections H and I to read as follows:

See Attached; and

On Page 65, Section 34, Line 7 ½, by inserting a new subsection C to read as follows:

"C. Any costs arising from the detailing of a military defense counsel from a National Guard organization other than the Oklahoma National Guard may be reimbursed out of funds available in the Military Justice Fund established in Section 941 of Title 44 of the Oklahoma Statutes."; and

On page 147, Section 81, Line 2, by inserting after the word "consent" and before the period the following language:

"; provided that, in the case of any vacancy that occurs while the Legislature is not in regular session within the meaning of Section 26 of Article V of the Oklahoma Constitution, the Governor, or the State Judge Advocate as provided in this subsection, shall appoint a person who satisfies the requirements established in subsection C of this section to serve as an appellate military judge. If the interim nomination of the appellate military judge is not approved by the Senate during the first regular session following its submission, it shall be deemed rejected".

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Chris Kannady

Adopted: _____

Reading Clerk

1 "H. Once the commander has determined that nonjudicial
2 punishment is appropriate, the commander shall provide reasonable
3 notice to the member of his or her intent to impose nonjudicial
4 punishment. At the time the commander provides notification as
5 required in this subsection, the member shall be entitled to examine
6 all statements and other evidence that the commander has examined
7 and intends to rely upon as the basis for punishment. The member
8 shall be provided a copy of the documentary evidence unless it is
9 privileged, classified, or otherwise restricted by law, regulation,
10 or instruction. At the time the commander provides notification as
11 required in this subsection, the commander shall also inform the
12 member as to the quantum of punishment potentially to be imposed.
13 While a member undergoing nonjudicial punishment is not entitled to
14 representation by a duly appointed defense counsel, the member may
15 seek legal advice from any judge advocate available for this
16 purpose.

17 I. The right to demand trial by court-martial in lieu of
18 nonjudicial punishment shall arise only when arrest in quarters or
19 restriction will be considered as punishments. If the commanding
20 officer determines that arrest in quarters or restriction will be
21 considered as punishments, prior to the offer of nonjudicial
22 punishment the accused shall be notified in writing of the right to
23 demand trial by court-martial. Should the commanding officer
24 determine that the punishment options will not include arrest in

1 quarters or restriction, the accused shall be notified that there is
2 no right to trial by court-martial in lieu of nonjudicial
3 punishment. Upon notification by the commander or officer in charge
4 of his or her intent to impose nonjudicial punishment that includes
5 arrest in quarters or restriction, the accused shall be afforded a
6 reasonable amount of time to confer with legal counsel and to
7 prepare a response."
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9 57-1-8427 AMM 03/06/19
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