

HOUSE BILL NO. 79

INTRODUCED BY W. CURDY

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT MODIFYING WHEN AN ORGANIZED MILITIA MEMBER OR INDIVIDUAL LAWFULLY CALLED, ORDERED, OR DRAFTED FOR DUTY IN THE ORGANIZED MILITIA MAY BE TURNED OVER TO CIVIL AUTHORITIES FOR TRIAL; ALLOWING THE ADJUTANT GENERAL OR THE ADJUTANT GENERAL'S DESIGNEE TO ORDER A SUSPECT TO BE TURNED OVER TO CIVIL AUTHORITIES FOR CHARGING AND TRIAL; AND AMENDING SECTION 10-1-408, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-1-408, MCA, is amended to read:

"10-1-408. Trial by civil authority -- when authorized. In a case where the offense ~~charged~~ under investigation is also an offense against civil authority, the ~~convening authority of a court-martial may, upon request of the civil authorities, adjutant general or the adjutant general's designee may order the person charged~~ suspect to be turned over to the appropriate civil authorities of this state for charging and trial."

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