

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 290

As Amended by Senate Committee on
Corrections and Juvenile Justice

Brief*

SB 290 would revise the statute governing nonjudicial punishment under the Kansas Code of Military Justice. The bill would restructure a number of provisions within the statute or clarify existing language without making substantive changes. Other provisions would be restructured and changed substantively, as follows:

- The amount of time that extra duties, withholding of privileges, or restrictions could be imposed as punishment would be increased;
- Forfeitures and fines would be changed from dollar amounts to days of pay and limits increased;
- The ability to reduce pay grades would be increased;
- Arrest in quarters for up to 30 days would be added as a punishment option;
- A provision limiting the total length of consecutive punishment and requiring apportionment of punishments would be added;
- The governor, adjutant general, or an officer of a general or flag rank would be allowed to delegate the powers under the bill;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- A provision allowing the governor to limit the powers under the section by regulation would be removed;
- A provision would be added allowing regulations to prescribe the form of records to be kept of proceedings under the section and to require certain categories be in writing;
- For appeals to the next superior authority, the bill would require a person punished to make such appeal within 15 days, and punishment would be stayed until final action is taken on the appeal;
- The authority acting on the appeal would be required to refer the case to a judge advocate for consideration and advice;
- A provision providing the right to court martial in lieu of punishment under this section would be narrowed to apply only if punishment may include arrest in quarters or restriction; and
- The bill would clarify punishment under this section would not be a bar to trial by a civilian court of competent jurisdiction.

Background

The bill was introduced by the Senate Committee on Ways and Means.

In the Senate Committee on Corrections and Juvenile Justice, a representative of the Kansas Adjutant General's Office testified in support of the bill. There were no other conferees. The Senate Committee adopted a technical amendment regarding grade levels.

No fiscal note was available for the bill when the Senate Committee took action.