

S.F. No. 724 – Department of Military Affairs Agency Bill, Modifying the Minnesota Code of Military Justice (First Engrossment)

Author: Senator Andrew Lang

Prepared by: Joan White, Senate Counsel

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Several of the modifications in **S.F. No. 724** align provisions in Minnesota Code of Military Justice (MCMJ) under Minnesota Statutes, chapter 192A, with the federal Uniform Code of Military Justice (UCMJ), which is the federal law that defines the military justice system and lists criminal offenses under military law. This bill also clarifies other provisions in the MCMJ related data classification, the practice of military law, and appeals.

Article 1 modifies the Data Practices Act, by classifying military personnel data as private data and data related to members of the National Guard as federal data, exempt from the Data Practices Act, but subject to the Freedom of Information Act. This article also authorizes investigative reports and law enforcement data be made accessible to the adjutant general for purposes of disciplinary action under the MCMJ.

Article 2 allows, under certain circumstances, military attorneys who are not members of the Minnesota Bar to conduct administrative or MCMJ activities, and be a military judge, if the individual is a member of the bar in another state and certified by the Judge Advocate General of the armed force of which the individual is a member.

Article 3 clarifies that members who are in a status under the control of the Minnesota governor are subject to the jurisdiction of the MCMJ no matter their location and clarifies that periods between inactive duty training are not subject to military jurisdiction.

Article 4 relates to trial procedure for the military courts by stating that the applicable principles are those of the manual for courts-martial of the United States, and not the state criminal law, and modifies the three-year statute of limitations under the MCMJ.

Article 5 clarifies the process for appeals of the court-martial final order.

Article 6 adds to the list of purely military offenses and states that the governor or adjutant general may request that the BCA investigate the military offenses, modifies maximum punishment limits

and the parameters of search warrants, and aligns the provisions of the MCMJ with the UCMJ, by adding crimes to the punitive articles, which include acts by persons in positions of special trust, nonconsensual distribution of intimate images, fraudulent use of credit cards, unauthorized use of government computer, and retaliation. This article also repeals a statute that is obsolete based on the modifications in the is bill.

Section 11 is a Revisor instruction that recodes the new crimes in Article 6, sections 6 to 10, so they are under the Punitive Articles headnote in the chapter, instead of the Miscellaneous Provisions headnote.

Section 12 repeals an obsolete section.