

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1123
SENATE BILL 1261

AN ACT TO AMEND G.S. 127-40 RELATIVE TO THE APPOINTMENT AND ORGANIZATION OF SPECIAL COURTS-MARTIAL IN THE NORTH CAROLINA NATIONAL GUARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 127-40, as the same appears in Volume 3B of the 1964 Replacement to the General Statutes of North Carolina, is rewritten as follows:

"§ 127-40. **Special courts-martial; appointments, power and authority.** — In the National Guard, not in the service of the United States, special courts- martial may be appointed by:

- (1) the commanding officer of a brigade, regiment, comparable or higher command of the North Carolina Army National Guard;
- (2) the commanding officer of a wing, group, separate squadron, comparable or higher command of the North Carolina Air National Guard;
- (3) the commanding officer or officer in charge of any North Carolina National Guard command when empowered by the Governor or the Adjutant General of North Carolina.

Such courts-martial shall have the power and authority to try any person subject to military law for any crimes or offenses within the jurisdiction of a general military court. A special court-martial may not try a commissioned officer. Such courts-martial shall have the same powers of punishment as general courts- martial except that fines imposed by such courts-martial shall not exceed one hundred dollars (\$100.00), and such courts-martial shall not have the power of dismissal from the National Guard."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1974.