

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 441 Session of  
1997

INTRODUCED BY STEVENSON, BARLEY, HARHART, STEIL, DeLUCA,  
D. W. SNYDER, HERMAN, LYNCH, TRELLO, HENNESSEY, CORNELL,  
E. Z. TAYLOR, RAYMOND, WILT, CORRIGAN, PETTIT AND FLICK,  
FEBRUARY 11, 1997

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, FEBRUARY 11, 1997

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, further providing for absence without  
3 leave.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 6010 of Title 51 of the Pennsylvania  
7 Consolidated Statutes is amended to read:44

8 § 6010. Absence without leave.

9 (a) Penalty.--Any person subject to this part who, without  
10 authority:

11 (1) fails to go to his appointed place of duty at the  
12 time prescribed;

13 (2) goes from that place; or

14 (3) absents himself or remains absent from his unit,  
15 organization or place of duty at which he is required to be  
16 at the time prescribed;

17 [shall] may be punished as a court-martial may direct[.]or may

1 be charged with a summary offense. In addition to any fine  
2 levied against a person subject to this part convicted of the  
3 summary offense, the person shall be further ordered to pay all  
4 costs and expenses incurred in prosecuting the action. A person  
5 subject to this part who is convicted of a second or subsequent  
6 summary offense shall be sentenced to pay a fine not to exceed  
7 \$1,000 per offense and shall be further ordered to pay all costs  
8 and expenses incurred in prosecuting the action. The United  
9 States or State military official responsible for bringing the  
10 action may withdraw summary offense charges upon the person  
11 making restitution for the costs of prosecution and executing an  
12 agreement to continue participation with the person's unit of  
13 assignment until the person's service obligation ceases.

14 (b) Legal counsel.--Any person prosecuted under the summary  
15 offense provisions of this section shall not be entitled to  
16 legal representation by military counsel.

17 (c) Double jeopardy.--No member of the State military forces  
18 may be prosecuted both pursuant to a court-martial and as a  
19 summary offense for the same action.

20 Section 2. This act shall take effect in 60 days.