

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2142 Session of
1978

INTRODUCED BY DeMEDIO, NOVAK, FISCHER AND LOGUE, MARCH 14, 1978

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS,
MARCH 14, 1978

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, changing provisions relating to
3 apprehension and restraint of persons absent without leave,
4 further providing for nonjudicial punishment and courts-
5 martial and providing for orders for payment of money to be
6 certified to courts.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 5202, 5204, 5301(a), 5403(1), 5404(1),
10 5405(1) and 5408 of Title 51, act of November 25, 1970 (P.L.707,
11 No.230), known as the Pennsylvania Consolidated Statutes, are
12 amended to read:

13 § 5202. Apprehension of persons absent without leave;
14 costs.

15 (a) Apprehension.--Any civil officer having authority to
16 apprehend offenders under the laws of the United States or of a
17 state, territory, commonwealth or possession, or of the District
18 of Columbia, or any [military officer] commissioned officer
19 subject to this part [who has been authorized by the Governor by
20 regulation] may summarily apprehend any person subject to this

1 part absent without leave from the State military forces and
2 deliver him into the custody of the State military forces.

3 (b) Costs.--The costs incurred in the apprehension of any
4 person absent without leave as a result of the involvement of
5 any civilian authority, shall be paid by the person who is
6 absent without leave.

7 § 5204. Restraint of persons charged with offenses.

8 (a) General rule.--Any person subject to this part charged
9 with an offense under this part may be ordered into arrest or
10 confinement pursuant to section 5203 (relating to imposition of
11 restraint). When any person subject to this part is placed in
12 arrest or confinement prior to trial, immediate steps shall be
13 taken to inform him of the specific wrong of which he is
14 accused, to try him, or to dismiss the charges and release him.

15 (b) Issuing warrants to peace officers.--The convening
16 authority of any court-martial shall have the power to issue
17 warrants of apprehension directed to the Pennsylvania State
18 Police, the sheriff or any constable or peace officer within the
19 proper [county to] jurisdiction who shall apprehend persons
20 subject to this part charged with an offense under this part and
21 [to] shall deliver such persons into the custody of the State
22 military forces.

23 (c) Admission to bail.--In cases where the unit of which the
24 accused is a member is not in a status of active State duty or
25 engaged in annual field training, such accused, if apprehended
26 or ordered into confinement prior to or during trial by a
27 military court, may be admitted to bail by the officer
28 exercising special court-martial jurisdiction over him or by a
29 superior commanding officer, or the Adjutant General.

30 § 5301. Commanding officer's nonjudicial punishment.

1 (a) General rule.--[Under such regulations as the Governor
2 may prescribe, any] Any commanding officer may, in addition to
3 or in lieu of admonition or reprimand, impose one of the
4 following disciplinary punishments for minor offenses without
5 the intervention of a court-martial:

6 (1) Upon an officer of his command:

7 (i) withholding of privileges for not more than two
8 consecutive weeks;

9 (ii) restriction to certain specified limits, with
10 or without suspension from duty, for not more than two
11 consecutive weeks; or

12 (iii) if imposed by the Governor, the commanding
13 officer of a division, [or a] wing, group or a separate
14 brigade or a similar organization, a fine or forfeiture
15 of pay and allowances of not more than \$100.

16 (2) Upon other military personnel of his command by a
17 company grade commanding officer:

18 (i) withholding of privileges for not more than two
19 consecutive weeks;

20 (ii) restriction to certain specified limits, with
21 or without suspension from duty, for not more than two
22 consecutive weeks;

23 (iii) extra duties for not more than 14 days, which
24 need not be consecutive, and for not more than two hours
25 per day, holidays included;

26 (iv) reduction to next inferior grade if the grade
27 from which demoted was established by the command or an
28 equivalent or lower command; or

29 (v) if imposed by an officer exercising special
30 court-martial jurisdiction over the offender, a fine or

1 forfeiture of pay and allowances of not more than [\$10.]
2 \$50.

3 (3) Upon other military personnel of his command by a
4 commanding officer of the grade of major or above:

5 (i) withholding of privileges for not more than two
6 consecutive weeks;

7 (ii) restriction to certain specified limits, with
8 or without suspension from duty, for not more than two
9 consecutive weeks;

10 (iii) extra duties for not more than 14 days, which
11 need not be consecutive, and for not more than two hours
12 per day, holidays included;

13 (iv) reduction to the lowest or any intermediate pay
14 grade, if the grade from which demoted is within the
15 promotion authority of the officer imposing the reduction
16 or is within the promotion authority of any officer
17 subordinate to the one who imposes the reduction, but
18 enlisted members in pay grades above E-4 may not be
19 reduced more than one pay grade; or

20 (v) a fine or forfeiture of pay and allowances of
21 not more than \$75.

22 * * *

23 § 5403. Jurisdiction of general courts-martial.

24 Subject to section 5402 (relating to jurisdiction of courts-
25 martial in general), general courts-martial have jurisdiction to
26 try persons subject to this part for any offense made punishable
27 by this part and may, under such limitations as the Governor may
28 prescribe, adjudge any of the following punishments:

29 (1) A fine of not more than [\$200.] \$1,000.

30 * * *

1 § 5404. Jurisdiction of special courts-martial.

2 Subject to section 5402 (relating to jurisdiction of courts-
3 martial in general), special courts-martial shall have
4 jurisdiction to try persons subject to this part, except
5 commissioned officers for any offense made punishable by this
6 part and may, under such limitations as the Governor may
7 prescribe adjudge any of the following punishments:

8 (1) A fine of not more than [~~\$100.~~] \$250.

9 * * *

10 § 5405. Jurisdiction of summary courts-martial.

11 (a) General rule.--Subject to section 5402 (relating to
12 jurisdiction of courts-martial in general), summary courts-
13 martial shall have jurisdiction to try enlisted persons subject
14 to this part for any offense made punishable by this part and
15 may, under such limitations as the Governor may prescribe,
16 adjudge any of the following punishments:

17 (1) A fine of not more than [~~\$25~~] \$100 for a single
18 offense.

19 * * *

20 [§ 5408. Confinement instead of fine.

21 In the State military forces, a court-martial may sentence to
22 confinement for not more than one day for each dollar of the
23 authorized fine.]

24 Section 2. The title is amended by adding a section to read:
25 §5917. Orders for payment of money to be certified to
26 common pleas courts.

27 Where any court-martial in the State military forces of this
28 Commonwealth shall make or enter any order, sentence, decree or
29 judgment for the payment of any moneys whatsoever, in any matter
30 or thing within the jurisdiction of the said court-martial, a

1 copy of the said order, sentence, decree or judgment may be
2 certified by the Adjutant General to any court of common pleas
3 of any county within this Commonwealth, and be entered and
4 indexed in said court as a judgment with like force and effect
5 as if the same had been recorded therein as a judgment of the
6 court of common pleas of the county where recorded.

7 Section 3. This act shall take effect immediately.