
ASSEMBLY BILL NO. 157—ASSEMBLYMEMBERS GRAY AND D’SILVA

PREFILED JANUARY 30, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Nevada National Guard. (BDR 36-834)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to military justice; requiring the Office of the Military to implement certain training programs and make certain reports concerning courts-martial; requiring the convening authority of a trial by court-martial to report certain information to the Office; requiring the Office to develop policies and adopt regulations concerning trials by court-martial; providing a serviceman or servicewoman of the Nevada National Guard with the right to demand a trial by court-martial in lieu of accepting a nonjudicial punishment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a commanding officer in the state military forces to
2 punish certain servicemen and servicewomen for minor offenses by imposing
3 nonjudicial punishment. (NRS 412.286-412.302) Under existing law, an accused
4 serviceman or servicewoman does not have the right to demand a trial by court-
5 martial in lieu of accepting the nonjudicial punishment. (NRS 412.2879) **Sections**
6 **6-8** of this bill provide an accused serviceman or servicewoman with the right to
7 demand a trial by court-martial in lieu of accepting the nonjudicial punishment.
8 Existing law establishes the Office of the Military and requires the Office to
9 supervise the military affairs of the State. (NRS 412.064) **Section 2** of this bill
10 requires the Office to implement a training program to inform servicemen and
11 servicewomen of the right of an accused to demand a trial by court-martial. **Section**
12 **3** of this bill requires the convening authority of the trial by court-martial to report to
13 the Office the final disposition of each trial by court-martial where the accused
14 serviceman or servicewoman demanded a court-martial in lieu of a nonjudicial
15 punishment. **Section 2** further requires the Office to submit an annual report to the
16 Director of the Legislative Counsel Bureau for transmission to the Legislature or
17 the Legislative Commission, as applicable, concerning: (1) the training program



18 implemented by the Office; and (2) the number of trials by court-martial where an
19 accused serviceman or servicewoman exercised his or her right to demand a court-
20 martial and the final disposition of each such trial.

21 **Section 4** of this bill requires the Office to develop policies and adopt
22 regulations to ensure fair and efficient administration of trials by court-martial.

23 **Section 5** of this bill provides that the duties of the Office, as provided in
24 **section 2**, are not exclusive or a limitation on the powers and authority vested in the
25 Office by other provisions of law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 412 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *The Office shall implement a training program to*
4 *inform servicemen and servicewomen of the right of an accused*
5 *facing nonjudicial punishment to demand a trial by court-martial*
6 *in lieu of accepting a nonjudicial punishment pursuant to*
7 *NRS 412.2879.*

8 *2. On or before January 31 of each year, the Office shall*
9 *submit a report to the Director of the Legislative Counsel Bureau*
10 *for transmittal to the next session of the Legislature, if the report*
11 *is submitted in an odd-numbered year, or the Legislative*
12 *Commission, if the report is submitted in an even-numbered year.*
13 *The report must include, without limitation, for the preceding*
14 *calendar year:*

15 *(a) Information concerning the training program implemented*
16 *by the Office pursuant to subsection 1; and*

17 *(b) The number of trials by court-martial demanded pursuant*
18 *to NRS 412.2879 and the final disposition of each such trial as*
19 *reported to the Office pursuant to section 3 of this act.*

20 **Sec. 3.** *The convening authority shall report to the Office the*
21 *final disposition of each trial by court-martial against an accused*
22 *serviceman or servicewoman who demanded a trial by court-*
23 *martial pursuant to NRS 412.2879.*

24 **Sec. 4.** NRS 412.064 is hereby amended to read as follows:

25 412.064 1. The Office of the Military is hereby established.
26 The Office, under the direction of the Governor, shall supervise the
27 military and emergency management affairs of the State.

28 2. The Office shall adopt, subject to the approval of the
29 Governor, necessary regulations for the organization, government,
30 armament, equipment, training and compensation of the militia of
31 the State in conformity with the provisions of this chapter and the
32 laws of the United States.

33 3. The Office shall make such changes in the military
34 organization of the Nevada National Guard as are necessary from



1 time to time to conform to the requirements of the laws of the
2 United States and the directives of the National Guard Bureau.

3 4. The Office shall fix the location of the units and
4 headquarters of the Nevada National Guard, and shall, subject to the
5 approval of the National Guard Bureau, transfer, attach, consolidate
6 or inactivate any organization or unit when in its judgment the
7 efficiency of the present organization will be increased thereby.

8 5. The Office may establish and continue awards and
9 decorations and approve the design therefor, which must conform to
10 the requirements of the laws of the United States and the directives
11 of the National Guard Bureau.

12 6. *The Office shall, with the approval of the Governor,*
13 *develop policies and adopt regulations to ensure the fair and*
14 *efficient administration of trials by court-martial.*

15 7. The Division of Emergency Management of the Office of
16 the Military shall execute, administer and enforce the provisions of
17 chapters 414 and 414A of NRS and perform such duties and
18 exercise such powers as may be conferred upon it pursuant to
19 chapters 414 and 414A of NRS and any other statute.

20 **Sec. 5.** NRS 412.066 is hereby amended to read as follows:

21 412.066 The enumeration of duties and functions in NRS
22 412.064 to 412.109, inclusive, *and section 2 of this act* shall not be
23 deemed exclusive nor construed as a limitation on the powers and
24 authorities vested in the Office by other provisions of law.

25 **Sec. 6.** NRS 412.286 is hereby amended to read as follows:

26 412.286 1. Under Office regulations, limitations may be
27 placed on the powers granted by NRS 412.286 to 412.302,
28 inclusive, with respect to the kind and amount of punishment
29 authorized and the categories of commanding officers and warrant
30 officers exercising command authorized to exercise those powers ~~and~~
31 *, the applicability of NRS 412.286 to 412.302, inclusive, to an*
32 *accused who demands a trial by court-martial and the kinds of*
33 *courts-martial to which the case may be referred upon such a*
34 *demand. However, punishment may not be imposed upon any*
35 *member of the Nevada National Guard under NRS 412.286 to*
36 *412.302, inclusive, if the member has, before the imposition of*
37 *such punishment, demanded a trial by court-martial in lieu of*
38 *accepting such nonjudicial punishment pursuant to NRS*
39 *412.2879.* Under Office regulations, rules may be prescribed with
40 respect to the suspension of punishments authorized hereunder. If
41 authorized by Office regulations, a commanding officer exercising
42 general court-martial jurisdiction or an officer of general rank in
43 command may delegate his or her powers under NRS 412.286 to
44 412.302, inclusive, to a principal assistant.



1 2. When nonjudicial punishment has been imposed for an
2 offense, nonjudicial punishment may not again be imposed for the
3 same offense. Administrative action can be taken for the same
4 offense and will not be considered double punishment under the
5 Code. For the purposes of this subsection, "same offense" means an
6 offense that was part of a single incident or course of conduct.

7 3. After nonjudicial punishment has been imposed, it may not
8 be increased, upon appeal or otherwise, unless the punishment
9 imposed was not provided for in the Code.

10 4. When a commanding officer determines that nonjudicial
11 punishment is appropriate for a particular serviceman or
12 servicewoman, all known offenses determined to be appropriate for
13 disposition by nonjudicial punishment and ready to be considered at
14 that time, including, without limitation, all such offenses arising
15 from a single incident or course of conduct, must ordinarily be
16 considered together, rather than being made the basis for multiple
17 punishment.

18 5. Nonjudicial punishment may not be imposed for any offense
19 which was committed more than 3 years before the date of
20 imposition of punishment, unless such 3-year limitation is waived
21 by the accused in writing or unless the accused has filed an appeal
22 under this Code.

23 6. Nothing in subsection 2 or 4 precludes a commanding
24 officer from imposing, at one time, more than one punishment
25 nonjudicially for the offense or offenses arising from a single
26 incident or course of conduct authorized in the Code.

27 **Sec. 7.** NRS 412.2879 is hereby amended to read as follows:

28 412.2879 An accused facing nonjudicial punishment ~~has~~
29 ~~have~~ *has* the right to demand a trial by court-martial in lieu of
30 accepting the nonjudicial punishment ~~at any time before the~~
31 *imposition of the nonjudicial punishment.*

32 **Sec. 8.** NRS 412.293 is hereby amended to read as follows:

33 412.293 1. A commanding officer who, after inquiry or
34 investigation, determines that nonjudicial punishment is appropriate
35 for a particular serviceman or servicewoman shall use a formal
36 proceeding. In determining whether nonjudicial punishment is
37 appropriate, the commanding officer shall consult with a judge
38 advocate. The commanding officer may also consult with a superior
39 commissioned officer who is not the superior authority who is to act
40 on appeal pursuant to NRS 412.296.

41 2. If the commanding officer determines that a formal
42 proceeding is appropriate, the accused must be notified in writing
43 of:

44 (a) The intent of the commanding officer to initiate nonjudicial
45 punishment;



1 (b) The intent of the commanding officer to use a formal
2 proceeding;

3 (c) The maximum punishments allowable under the formal
4 proceeding;

5 (d) The right of the accused to remain silent;

6 (e) Each offense that the accused has allegedly committed with
7 reference to sections of the law that are alleged to have been
8 violated;

9 (f) The right of the accused to confront witnesses, examine the
10 evidence and submit matters in defense, extenuation and mitigation;

11 (g) The right of the accused to consult with a judge advocate and
12 the location of such counsel; ~~and~~

13 (h) *The right of the accused to demand a trial by court-martial*
14 *at any time before the imposition of the nonjudicial punishment*
15 *pursuant to NRS 412.2879; and*

16 (i) The right of the accused to appeal.

17 3. If the commanding officer determines that a formal
18 proceeding is appropriate, the accused must be given a reasonable
19 time to consult with counsel, ~~and~~ to gather matters in defense,
20 extenuation and mitigation ~~and~~ *and to decide whether to accept the*
21 *nonjudicial punishment or to demand a trial by court-martial.* This
22 *decision* period ~~of time~~ must be at least 48 hours, depending on the
23 availability of counsel, but such period ~~of time~~ may be extended at
24 the request of the accused.

25 4. The commanding officer is not bound by the formal rules of
26 evidence before courts-martial and may consider any matter the
27 commanding officer reasonably believes is relevant to the offense.

28 **Sec. 9.** The amendatory provisions of this act do not apply to
29 any formal proceeding relating to nonjudicial punishment for which
30 a serviceman or servicewoman has been issued written notice before
31 July 1, 2025, pursuant to subsection 2 of NRS 412.293, as that
32 subsection existed on June 30, 2025.

33 **Sec. 10.** The provisions of subsection 1 of NRS 218D.380 do
34 not apply to any provision of this act which adds or revises a
35 requirement to submit a report to the Legislature.

36 **Sec. 11.** This act becomes effective on July 1, 2025.



