

SENATE BILL NO. 95—SENATOR KRASNER

PREFILED JANUARY 13, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing military justice. (BDR 36-11)

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; providing a serviceman or servicewoman of the Nevada National Guard with the right to demand a trial by court-martial in lieu of accepting 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 1-3 of this bill provide an accused serviceman or servicewoman with the right to
7 demand a trial by court-martial instead of accepting the nonjudicial punishment.

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

1 Section 1. NRS 412.286 is hereby amended to read as follows:
2 412.286 1. Under Office regulations, limitations may be
3 placed on the powers granted by NRS 412.286 to 412.302,
4 inclusive, with respect to the kind and amount of punishment
5 authorized , ~~and~~ the categories of commanding officers and
6 warrant officers exercising command authorized to exercise those
7 powers ~~and~~, *the applicability of NRS 412.286 to 412.302, inclusive,*
8 *to an accused who demands trial by court-martial and the kinds of*
9 *courts-martial to which the case may be referred upon such a*



1 *demand. However, punishment may not be imposed upon any*
2 *member of the Nevada National Guard under NRS 412.286 to*
3 *412.302, inclusive, if the member has, before the imposition of*
4 *such punishment, demanded trial by court-martial in lieu of such*
5 *punishment.* Under Office regulations, rules may be prescribed with
6 respect to the suspension of punishments authorized hereunder. If
7 authorized by Office regulations, a commanding officer exercising
8 general court-martial jurisdiction or an officer of general rank in
9 command may delegate his or her powers under NRS 412.286 to
10 412.302, inclusive, to a principal assistant.

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

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

20 4. When a commanding officer determines that nonjudicial
21 punishment is appropriate for a particular serviceman or
22 servicewoman, all known offenses determined to be appropriate for
23 disposition by nonjudicial punishment and ready to be considered at
24 that time, including, without limitation, all such offenses arising
25 from a single incident or course of conduct, must ordinarily be
26 considered together, rather than being made the basis for multiple
27 punishment.

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

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

37 **Sec. 2.** NRS 412.2879 is hereby amended to read as follows:

38 412.2879 An accused facing nonjudicial punishment ~~has~~
39 ~~have~~ *has* the right to demand a trial by court-martial in lieu of
40 accepting the nonjudicial punishment ~~at any time before the~~
41 *imposition of the nonjudicial punishment.*

42 **Sec. 3.** NRS 412.293 is hereby amended to read as follows:

43 412.293 1. A commanding officer who, after inquiry or
44 investigation, determines that nonjudicial punishment is appropriate
45 for a particular serviceman or servicewoman shall use a formal



1 proceeding. In determining whether nonjudicial punishment is
2 appropriate, the commanding officer shall consult with a judge
3 advocate. The commanding officer may also consult with a superior
4 commissioned officer who is not the superior authority who is to act
5 on appeal pursuant to NRS 412.296.

6 2. If the commanding officer determines that a formal
7 proceeding is appropriate, the accused must be notified in writing
8 of:

9 (a) The intent of the commanding officer to initiate nonjudicial
10 punishment;

11 (b) The intent of the commanding officer to use a formal
12 proceeding;

13 (c) The maximum punishments allowable under the formal
14 proceeding;

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

16 (e) Each offense that the accused has allegedly committed with
17 reference to sections of the law that are alleged to have been
18 violated;

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

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

23 (h) *The right of the accused to demand a trial by court-martial*
24 *at any time before the imposition of the nonjudicial punishment;*
25 *and*

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

27 3. If the commanding officer determines that a formal
28 proceeding is appropriate, the accused must be given a reasonable
29 time to consult with counsel , ~~and~~ to gather matters in defense,
30 extenuation and mitigation ~~and~~ *and to decide whether to accept the*
31 *nonjudicial punishment or to demand a trial by court-martial.* This
32 *decision* period ~~of time~~ must be at least 48 hours, depending on the
33 availability of counsel, but such period ~~of time~~ may be extended at
34 the request of the accused.

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

38 **Sec. 4.** The amendatory provisions of this act do not apply to
39 any formal proceeding relating to nonjudicial punishment for which
40 a serviceman or servicewoman has been issued written notice
41 pursuant to subsection 2 of NRS 412.293, as that subsection existed
42 on June 30, 2025, before July 1, 2025.

43 **Sec. 5.** This act becomes effective on July 1, 2025.



