

§415-A. Nonjudicial punishment

1. Disciplinary punishment. A commander may, in addition to or in lieu of admonition, reprimand or extra training, impose disciplinary punishments for minor offenses without the intervention of a court-martial as follows.

A. A company grade officer commander or warrant officer commander may impose one or more of the following punishments:

- (1) Forfeiture of up to one day's pay;
- (2) Up to 4 hours of extra duties; or
- (3) Prohibition of promotion of up to one year. [PL 2001, c. 662, §48 (NEW).]

B. A field grade officer commander may impose one or more of the following punishments:

- (1) Forfeiture of up to 3 days' pay;
- (2) Up to 8 hours of extra duties; or
- (3) Prohibition of promotion of up to one year. [PL 2001, c. 662, §48 (NEW).]

C. An officer with the rank of colonel in the chain of command of an individual being considered for nonjudicial punishment may impose one or more of the following punishments:

- (1) Forfeiture of up to 5 days' pay;
- (2) Up to 16 hours of extra duties;
- (3) Prohibition of promotion of up to one year; or
- (4) Reduction of one grade for enlisted members. [PL 2013, c. 251, §5 (AMD).]

D. Only a general officer commander may impose punishments upon officers. [PL 2001, c. 662, §48 (NEW).]

E. An individual being considered for nonjudicial punishment has the right to consult counsel prior to receiving disciplinary punishment under this section. [PL 2001, c. 662, §48 (NEW).]

[PL 2013, c. 251, §5 (AMD).]

2. Suspend; reduce. The commander who imposes disciplinary punishment, or successor in command, may at any time suspend or reduce, or both, disciplinary punishment imposed. [PL 2001, c. 662, §48 (NEW).]

3. Appeal. A person punished under this section may appeal, through the proper channels, to the next higher commander. The appeal must be promptly forwarded and decided; in the meantime all disciplinary punishment is stayed. The commander to whom the appeal is referred may suspend or reduce, or both, the disciplinary punishment. Before ruling, the commander who is to act on the appeal may refer the case to a judge advocate for consideration. The commander to whom the appeal is referred shall submit the case to a judge advocate for review when the appeal is from a reduction in grade or forfeiture of 3 or more days of pay. [PL 2001, c. 662, §48 (NEW).]

4. Increase. Once nonjudicial punishment has been imposed, it may not be increased upon appeal or otherwise for the same offense. [PL 2001, c. 662, §48 (NEW).]

5. Right to counsel. A person that has disciplinary punishment imposed under this section has the right to assistance of military counsel in filing an appeal. There is no right to appeal the imposition of disciplinary punishment under this section to the civilian courts. [PL 2001, c. 662, §48 (NEW).]

6. Serious crime. The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial or to a trial in the civilian courts of this State, another state or the United States for a serious crime or offense growing out of the same act or omission that is not properly punishable under this section. The fact that a disciplinary punishment has been enforced may be shown by the accused at trial and must be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

[PL 2001, c. 662, §48 (NEW).]

7. Records. The Governor may prescribe the form of records to be kept of proceedings under this section and may prescribe that the records must be in writing.

[PL 2001, c. 662, §48 (NEW).]

8. Enforcement. A fine imposed pursuant to this section may be enforced as a money judgment in accordance with Title 14, chapter 502.

[PL 2001, c. 662, §48 (NEW).]

9. Pay. For the purposes of this section, a "day's pay" means that pay a member is entitled to for one unit training assembly, also known as one drill period.

[PL 2001, c. 662, §48 (NEW).]

SECTION HISTORY

PL 2001, c. 662, §48 (NEW). PL 2013, c. 251, §5 (AMD).

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