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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992



ENROLLED

Committee Substitute for
SENATE BILL NO. 447

(By Senator Bailey)



PASSED March 7, 1992

In Effect 90 days from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 447

(SENATOR BAILEY, *original sponsor*)

[Passed March 7, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact section thirty, article one-e, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the code of military justice; and authorizing appointment of a member of the bar of a federal court or the highest court of any state to serve as trial counsel or defense counsel at courts-martial.

Be it enacted by the Legislature of West Virginia:

That section thirty, article one-e, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

PART I. GENERAL PROVISIONS.

ARTICLE 1E. CODE OF MILITARY JUSTICE.

§15-1E-30. Appointment of trial counsel and defense counsel.

- 1 (a) For each general and special court-martial the
- 2 authority convening the court shall appoint trial

3 counsel and defense counsel, and such assistants as he
4 considers appropriate. No person who has acted as
5 investigating officer, military judge or court member
6 in any case shall act subsequently as trial counsel,
7 assistant trial counsel or, unless expressly requested
8 by the accused, as defense counsel or assistant defense
9 counsel in the same case. No person who has acted for
10 the prosecution shall act later in the same case for the
11 defense, nor shall any person who has acted for the
12 defense act later in the same case for the prosecution.

13 (b) Any person who is appointed trial counsel or
14 defense counsel in the case of a general or a special
15 court-martial:

16 (1) Shall be a person who is a member in good
17 standing of the federal bar or the bar of any state of
18 the United States; and

19 (2) Shall be certified as competent to perform such
20 duties by the state judge advocate.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Thomas Leach
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Nassell E. Robinson
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

Paul Faudette
.....
President of the Senate

Robert C. Bell
.....
Speaker House of Delegates

The within *is approved* this the *27th*
day of *May*, 1992.

Yaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/92

Time 3:40 pm