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 authority convening the court shall appoint trial
counsel and defense counsel, and such assistants as he
considers appropriate. No person who has acted as
investigating officer, military judge or court member
in any case shall act subsequently as trial counsel,
assistant trial counsel or, unless expressly requested
by the accused, as defense counsel or assistant defense
counsel in the same case. No person who has acted for
the prosecution shall act later in the same case for the
defense, nor shall any person who has acted for the
defense act later in the same case for the prosecution.

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

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

(2) Shall be certified as competent to perform such
duties by the state judge advocate.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 27th day of

Governor