

AMENDIT 3
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128

MT DEPARTMENT OF MILITARY AFFAIRS

**INFORMATION SHEET
SB 128**

A BILL AMENDING SECTION 10-1-205 (VACATING COMMISSIONS OR WARRANTS), MCA, REQUIRING THAT THE COMMISSION OR WARRANT OF AN OFFICER OF THE MILITIA BE VACATED UPON THE OFFICER'S CONVICTION OF A FELONY OR INCARCERATION IN A FEDERAL OR STATE CORRECTIONAL FACILITY

INTENT

Senate Bill 128 amends Section 10-1-205 (Vacating commissions or warrants), MCA, to require that the commission or warrant of an officer, in the state's militia, be vacated if the officer is convicted of a felony or sentenced to a federal or state penitentiary or correctional facility. The amendment will enhance the ability of the Montana National Guard to expedite removal of officers who are no longer suitable for continued military service by virtue of: 1). Felony criminal conviction; and/or restrictions upon the officer's freedom (i.e., incarceration) which would significantly diminish their usefulness to the Montana National Guard.

The amendment will provide the Montana National Guard with an efficient process to terminate an officer's state appointment in the Montana National Guard, which will also result in the withdrawal of their federal recognition in the National Guard of the United States. The amendment will provide an officer with basic administrative due process protection, while ensuring that the Montana National Guard does not have to expend valuable resources and time to conduct an administrative hearing for an officer who will be unable to effectively carry out their duties and responsibilities as a military leader.

CONCLUSION

Service as a commissioned or warrant officer in the Montana National Guard is a privilege that should only be bestowed upon those citizens who possess the highest personal and professional integrity and standards. The soldiers and airmen of the Montana National Guard expect and deserve leaders of the highest personal and professional caliber. Senate Bill 128 will expedite the Montana National Guard's ability to remove those officers, from both the state militia and the National Guard of the United States, who are no longer fit to serve by virtue of criminal conviction and/or incarceration.

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