

CHAPTER 78—H.F.No. 1138

An act relating to the military; updating the Minnesota Code of Military Justice; providing clarifying language; amending Minnesota Statutes 2012, sections 192A.02, subdivision 1; 192A.045, subdivision 3; 192A.095; 192A.10; 192A.105; 192A.11, subdivision 1; 192A.111; 192A.13; 192A.20; 192A.235, subdivision 3; 192A.605; 192A.62; 192A.66; proposing coding for new law in Minnesota Statutes, chapter 192A; repealing Minnesota Statutes 2012, sections 192A.085; 192A.11, subdivisions 2, 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2012, section 192A.02, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** (a) This code applies to all members of the state military forces in active service as defined by section 190.05, subdivision 5.

(b) Subject matter jurisdiction is established if a nexus exists between an offense, either military or nonmilitary, and the state military force.

Sec. 2. Minnesota Statutes 2012, section 192A.045, subdivision 3, is amended to read:

Subd. 3. **Absence without leave.** If any person subject to this code misses a movement to, or is absent without official leave from, annual field training or active state duty any military duty defined under section 190.05, subdivisions 5a and 5b, such the person may be apprehended and delivered to the person's commanding officer or the officer-in-charge. Apprehension may be made by military police personnel or by any licensed peace officer pursuant to a warrant issued by a military judge upon a finding of probable cause.

Sec. 3. **[192A.0851] COMMANDING OFFICER'S NONJUDICIAL PUNISHMENT.**

(a) Any commander may impose disciplinary punishments for minor offenses without the intervention of a court-martial pursuant to this section. The governor, the adjutant general, or a general officer in command may delegate the powers under this section to a deputy commanding general or assistant adjutant general who is a member of the state military forces.

(b) Any commanding officer may impose upon enlisted members of the officer's command:

(1) an admonition;

(2) a reprimand;

(3) the withholding of privileges for not more than six months;

(4) the forfeiture of not more than seven days' pay;

(5) a reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(6) extra duties for not more than 14 days, which need not be consecutive; and

(7) restriction to certain specified limits, with or without suspension from duty, for not more than 14 days, which need not be consecutive.

(c) Any commanding officer of the grade of major or lieutenant colonel or above may impose upon enlisted members of the officer's command:

(1) any punishment authorized in paragraph (b), clauses (1), (2), and (3);

(2) the forfeiture of not more than one-half of one month's pay per month for two months;

(3) a reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than one pay grade;

(4) extra duties for not more than 45 days, which need not be consecutive; and

(5) restriction to certain specified limits, with or without suspension from duty, for not more than 60 days, which need not be consecutive.

(d) The governor, the adjutant general, an officer exercising general court-martial convening authority, or a general officer in command may impose:

(1) upon officers of the officer's command:

(i) any punishment authorized in paragraph (c), clause (1), (2), and (5); and

(ii) arrest in quarters for not more than 30 days, which need not be consecutive; and

(2) upon enlisted members of the officer's command, any punishment authorized in paragraph (c).

(e) Whenever any of those punishments are combined to run consecutively, the total length of the combined punishment cannot exceed the authorized duration of the longest punishment in the combination, and there must be an apportionment of punishments so that no single punishment in the combination exceeds its authorized length under this section.

(f) Prior to the offer of nonjudicial punishment, the commanding officer shall determine whether arrest in quarters or restriction shall be considered as punishments. Should the commanding officer determine that the punishment options may include arrest in quarters or restriction, the accused shall be notified of the right to demand trial by court-martial. Should the commanding officer determine that the punishment options will not include arrest in quarters or restriction, the accused shall be notified that there is no right to trial by courts-martial in lieu of nonjudicial punishment.

(g) The officer who imposes the punishment, or the successor in command, may, at any time, suspend, set aside, mitigate, or remit any part or amount of the punishment and restore all rights, privileges, and property affected. The officer also may:

(1) mitigate reduction in grade to forfeiture of pay;

(2) mitigate arrest in quarters to restriction; or

(3) mitigate extra duties to restriction.

The mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture shall not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment mitigated.

(h) A person punished under this section who considers the punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority within 15 days after the punishment is either announced or sent to the accused, as the commander may determine. The appeal shall

be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under paragraph (g) by the officer who imposed the punishment. Before acting on an appeal from a punishment, the authority that is to act on the appeal may refer the case to a judge advocate for consideration and advice.

(i) 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 a civilian court of competent jurisdiction for a serious crime or offense growing out of the same act or omission and not properly punishable under this section. The fact that a disciplinary punishment has been enforced may be shown by the accused upon trial and, when so shown, it shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(j) Whenever a punishment of forfeiture of pay is imposed under this section, the forfeiture may apply to pay accruing before, on, or after the date that punishment is imposed.

Regulations may prescribe the form of records to be kept of proceedings under this section and may prescribe that certain categories of those proceedings shall be in writing.

Sec. 4. Minnesota Statutes 2012, section 192A.095, is amended to read:

192A.095 JURISDICTION OF COURTS-MARTIAL IN GENERAL.

Each force of the state military forces not in federal active service has court-martial jurisdiction over all persons subject to this code. The exercise of jurisdiction by one force over personnel of another force shall be in accordance with rules prescribed by the governor or the adjutant general.

Sec. 5. Minnesota Statutes 2012, section 192A.10, is amended to read:

192A.10 JURISDICTION OF GENERAL COURTS-MARTIAL.

Subject to section 192A.095 general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the governor or the adjutant general may prescribe, ~~adjudge any of the following punishments:~~ punishment not forbidden by this code.

- ~~(1) a reprimand;~~
- ~~(2) confinement for not more than 200 days or a fine of not more than \$200;~~
- ~~(3) forfeiture of not more than 48 days' pay;~~
- ~~(4) dismissal, bad conduct discharge, or dishonorable discharge;~~
- ~~(5) reduction in rank of an enlisted member to any lower enlisted rank including the lowest enlisted rank; or~~
- ~~(6) any combination of these punishments.~~

Sec. 6. Minnesota Statutes 2012, section 192A.105, is amended to read:

192A.105 JURISDICTION OF SPECIAL COURTS-MARTIAL.

Subject to section 192A.095 special courts-martial have jurisdiction to try persons subject to this code, ~~except commissioned or warrant officers, for any offense for which they may be punished under this code. A special court-martial may adjudge the following punishments:~~ for any offense made punishable by this code, and may, under such limitations as the governor or the adjutant general may prescribe, adjudge any punishment not forbidden by this code except dishonorable discharge, dismissal, confinement for more

than 90 days, forfeiture of pay exceeding two-thirds pay per month, or forfeiture of pay for more than one year.

- (1) a reprimand;
- (2) confinement of not more than 90 days or a fine of not more than \$100;
- (3) forfeiture of not more than 24 days' pay;
- (4) reduction in rank of an enlisted member to any lower enlisted rank including the lowest enlisted grade;
- (5) a bad conduct discharge; or
- (6) any combination of these punishments.

Sec. 7. Minnesota Statutes 2012, section 192A.11, subdivision 1, is amended to read:

Subdivision 1. **Jurisdictions Jurisdiction of summary courts-martial.** (a) Subject to section 192A.095 of this code, summary courts-martial have jurisdiction to try persons subject to this code, except commissioned or warrant officers, for any offense made punishable by this code. except for officers, cadets, candidates, and midshipmen, for any offense made punishable by this code under such limitations as the governor or the adjutant general may prescribe.

(b) No person with respect to whom summary courts-martial have jurisdiction may object thereto. Summary courts-martial may, under such limitations as the governor or the adjutant general may prescribe, adjudge any punishment not forbidden by this code except dismissal, dishonorable or bad-conduct discharge, confinement, restriction to specified limits for more than two months, or forfeiture of more than two-thirds of one month's pay.

(c) Procedure for summary courts-martial shall conform to the procedure of Department of the Army Pamphlet 27-7 except for authorized punishments which shall conform to the limits prescribed by this code.

Sec. 8. Minnesota Statutes 2012, section 192A.111, is amended to read:

192A.111 MAXIMUM LIMITS.

Subdivision 1. **Punishment limits.** The punishment ~~which~~ that a court-martial may direct for an offense may not exceed limits prescribed by this code.

Subd. 2. **Level of offense.** (a) Subject to paragraphs (b) and (c), all military offenses are misdemeanors, and a sentence of confinement must not exceed 90 days.

(b) In cases where the civilian authorities decline to prosecute and court-martial jurisdiction is taken pursuant to sections 192A.02, subdivision 3, and 192A.605, the level of offense and punishment a court-martial is authorized is defined by the level of offense and punishments authorized under the statute for the assimilated crime.

(c) For crimes under sections 192A.54, 192A.545, 192A.59, and 192A.595 with monetary loss of \$1,000 or more, confinement must not exceed ten years. A sentence of confinement for more than one year is a felony offense.

(d) Any conviction by a summary courts-martial is not a criminal conviction.

(e) The limits of punishment for violations of the purely military offenses prescribed under this section shall be lesser of the sentences prescribed by the manual for courts-martial of the United States, and the state manual for courts-martial, but in no instance shall any punishment exceed that authorized by this code.

Sec. 9. Minnesota Statutes 2012, section 192A.13, is amended to read:

192A.13 WHO MAY CONVENE GENERAL COURTS-MARTIAL.

(a) In the state military forces not in federal active service, general courts-martial may be convened by:

- (1) the governor; or
- (2) the adjutant general.

(b) The governor or the adjutant general may authorize in writing other general officers in command as additional general courts-martial convening authorities. The authorization terminates no later than the term of the adjutant general or governor making the authorization.

(c) If a commanding officer or the adjutant general is an accuser, the court shall be convened by superior competent authority and may in any case be convened by a superior authority if considered desirable by that authority.

Sec. 10. Minnesota Statutes 2012, section 192A.20, is amended to read:

192A.20 GOVERNOR MAY PRESCRIBE RULES.

The procedure, including modes of proof, in cases before military courts and other military tribunals may be prescribed by the governor or the adjutant general by rules, which shall, so far as the governor or the adjutant general considers practicable, apply the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the courts of the state, but which may not be contrary to or inconsistent with this code.

Sec. 11. Minnesota Statutes 2012, section 192A.235, subdivision 3, is amended to read:

Subd. 3. **Three-year limitation.** Except as otherwise provided in subdivision 1, and section 628.26, a person charged with any offense is not liable to be tried by court-martial or punished under section ~~192A.085~~ 192A.0851 if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising court-martial jurisdiction over the command or before the imposition of punishment under section ~~192A.085~~ 192A.0851.

Sec. 12. **[192A.341] ERROR OF LAW; LESSER INCLUDED OFFENSES.**

Subdivision 1. **Error of law.** A finding or sentence of a court-martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

Subd. 2. **Lesser offense.** Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

Sec. 13. **[192A.343] ACTION BY CONVENING AUTHORITY.**

Subdivision 1. **Reporting findings and sentence.** The findings and sentence of a court-martial shall be reported promptly to the convening authority after the announcement of the sentence.

Subd. 2. **Submissions of the accused.** (a) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence. Any such submission shall be in writing. Except in a summary courts-martial case, such a submission shall be made within 21 days after the accused has been given an authenticated record of trial and, if applicable, the recommendation of a judge advocate under subdivision 4. In a summary courts-martial case, a submission shall be made within 14 days after the sentence is announced.

(b) If the accused shows that additional time is required for the accused to submit the matters, the convening authority or other person taking action under this section, for good cause, may extend the applicable period under paragraph (a).

(c) In a summary courts-martial case, the accused shall be promptly provided a copy of the record of trial for use in preparing a submission authorized by paragraph (a).

(d) The accused may waive the right to make a submission to the convening authority under paragraph (a). A waiver must be made in writing and may not be revoked. For the purposes of subdivision 3, paragraph (b), the time within which the accused may make a submission under this subdivision shall be deemed to have expired upon the submission of a waiver to the convening authority.

Subd. 3. Action on findings. (a) The authority under this section to modify the findings and sentence of a court-martial is a matter of command prerogative involving the sole discretion of the convening authority. If it is impractical for the convening authority to act, the convening authority shall forward the case to a person exercising general court-martial jurisdiction who may take action under this section.

(b) Action on the sentence of a court-martial shall be taken by the convening authority. The action may be taken only after the consideration of any matters submitted by the accused under subdivision 2 or after the time for submitting the matter expires, whichever is earlier. The convening authority, in that person's sole discretion may approve, disapprove, commute, or suspend the sentence in whole or in part.

(c) Action on the findings of a court-martial by the convening authority or other person acting on the sentence is not required. However, such person, in the person's sole discretion may:

(1) dismiss any charge or specification by setting aside a finding of guilty; or

(2) change a finding of guilty to a charge or specification to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge or specification.

Subd. 4. Judge advocate recommendation. Before acting under this section on any general or special court-martial case in which there is a finding of guilt, the convening authority or other person taking action under this section shall obtain and consider the written recommendation of a judge advocate. The convening authority shall refer the record of trial to the judge advocate, and the judge advocate shall use such record in the preparation of the recommendation. The recommendation of the judge advocate shall include those matters as may be prescribed by regulation and shall be served on the accused, who may submit any matter in response under subdivision 2. Failure to object in the response to the recommendation or to any matter attached to the recommendation waives the right to object to the recommendation.

Subd. 5. Proceedings in revision, rehearing, and reconsideration. (a) The convening authority or other person taking action under this section, in the person's sole discretion, may order a proceeding in revision or a rehearing.

(b) A proceeding in revision may be ordered if there is an apparent error or omission in the record or if the record shows improper or inconsistent action by a court-martial with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused. In no case, however, may a proceeding in revision:

(1) reconsider a finding of not guilty of any specification or a ruling that amounts to a finding of not guilty;

(2) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of this code; or

(3) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

(c) A rehearing may be ordered by the convening authority or other person taking action under this section if that person disapproves the findings and sentence and states the reasons for disapproval of the findings. If a person disapproves of the findings and sentence and does not order a rehearing, that person shall dismiss the charges. A rehearing as to the findings may not be ordered where there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered if the convening authority or other person taking action under this subdivision disapproves the sentence.

Sec. 14. **[192A.351] WITHDRAWAL OF APPEAL.**

(a) In each case subject to appellate review under this code, the accused may file with the convening authority a statement expressly withdrawing the right of the accused to an appeal. A withdrawal shall be signed by both the accused and defense counsel and must be filed in accordance with appellate procedures as provided by law.

(b) The accused may withdraw an appeal at any time in accordance with appellate procedures as provided by law.

Sec. 15. **[192A.353] APPEAL BY STATE.**

Subdivision 1. **Appeal.** (a) In a trial by court-martial in which a punitive discharge may be adjudged, the state may appeal the following, other than a finding of not guilty with respect to the charge or specification by the members of the court-martial, or by a judge in a bench trial so long as it is not made in reconsideration:

(1) an order or ruling of the military judge that terminates the proceedings with respect to a charge or specification;

(2) an order or ruling that excludes evidence that is substantial proof of a fact material in the proceeding;

(3) an order or ruling that directs the disclosure of classified information;

(4) an order or ruling that imposes sanctions for nondisclosure of classified information;

(5) a refusal of the military judge to issue a protective order sought by the state to prevent the disclosure of classified information; and

(6) a refusal by the military judge to enforce an order described in clause (5) that has previously been issued by appropriate authority.

(b) An appeal of an order or ruling may not be taken unless the trial counsel provides the military judge with written notice of appeal from the order or ruling within 72 hours of the order or ruling. The notice shall include a certification by the trial counsel that the appeal is not taken for the purpose of delay and, if the order or ruling appealed is one which excludes evidence, that the evidence excluded is substantial proof of a fact material in the proceeding.

(c) An appeal under this section shall be diligently prosecuted as provided by law.

Subd. 2. **Appeal forwarded.** An appeal under this section shall be forwarded to the court prescribed in section 192A.371. In ruling on an appeal under this section, that court may act only with respect to matters of law.

Subd. 3. **Delay of appeal.** Any period of delay resulting from an appeal under this section shall be excluded in deciding any issue regarding denial of a speedy trial unless an appropriate authority determines that the appeal was filed solely for the purpose of delay with the knowledge that it was totally frivolous and without merit.

Sec. 16. **[192A.361] REHEARINGS.**

A rehearing under this code shall take place before a court-martial composed of members who were not members of the court-martial that first heard the case. Upon a rehearing, the accused may not be tried for any offense of which the accused was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence may be approved, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory. If the sentence approved after the first court-martial was in accordance with a pretrial agreement and the accused at the rehearing changes a plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with the pretrial agreement, the approved sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first court-martial.

Sec. 17. [192A.363] REVIEW BY SENIOR FORCE JUDGE ADVOCATE.

Subdivision 1. **Review of findings of guilt.** (a) A general and special court-martial case in which there has been a finding of guilty shall be reviewed by the senior force judge advocate, or a designee. The senior force judge advocate, or designee, may not review a case under this subdivision if that person has acted in the same case as an accuser, investigating officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense.

(b) The senior force judge advocate's review shall be in writing and shall contain the following:

(1) conclusions as to whether:

(i) the court had jurisdiction over the accused and the offense;

(ii) the charge and specification stated an offense; and

(iii) the sentence was within the limits prescribed as a matter of law;

(2) a response to each allegation of error made in writing by the accused; and

(3) if the case is sent for action under subdivision 2, a recommendation as to the appropriate action to be taken and an opinion as to whether corrective action is required as a matter of law.

Subd. 2. **Action by adjutant general; authorization.** The record of trial and related documents in each case reviewed under subdivision 1 shall be sent for action to the adjutant general if:

(1) the judge advocate who reviewed the case recommends corrective action;

(2) the sentence approved under section 192A.343, subdivision 3, extends to dismissal, a bad-conduct or dishonorable discharge, or confinement for more than six months; or

(3) the action is otherwise required by regulations of the adjutant general.

Subd. 3. **Adjutant general action.** (a) The adjutant general may:

(1) disapprove or approve the findings or sentence, in whole or in part;

(2) remit, commute, or suspend the sentence in whole or in part;

(3) except where the evidence was insufficient at the trial to support the findings, order a rehearing on the findings, on the sentence, or on both; or

(4) dismiss the charges.

(b) If a rehearing is ordered but the convening authority finds a rehearing impracticable, the convening authority shall dismiss the charges.

Sec. 18. [192A.371] REVIEW BY STATE APPELLATE AUTHORITY.

Decisions of a special or general courts-martial may be appealed to the Minnesota Court of Appeals according to the Minnesota Rules of Criminal and Appellate Procedure.

Sec. 19. [192A.373] APPELLATE COUNSEL.

Subdivision 1. **Appellate government counsel.** The senior force judge advocate shall detail a judge advocate as appellate government counsel to represent the state in the review or appeal of cases specified in section 192A.371, and before any federal court when requested to do so by the state attorney general. Appellate government counsel must be a member in good standing of the bar of the highest court of the state.

Subd. 2. **Right to be represented; appeal by state.** (a) Upon an appeal by the state, an accused has the right to be represented by detailed military counsel before any reviewing authority and before any appellate court.

Subd. 3. **Right to be represented; appeal by accused.** (a) Upon the appeal by an accused, the accused has the right to be represented by military counsel before any reviewing authority.

(b) Upon the request of an accused entitled to be represented, the senior force judge advocate shall appoint a judge advocate to represent the accused in the review or appeal of cases specified in subdivisions 2 and 3.

(c) An accused may be represented by civilian appellate counsel at no expense to the state.

Sec. 20. [192A.381] FINALITY OF PROCEEDINGS, FINDINGS, AND SENTENCES.

The appellate review of records of trial provided by this code, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by this code, and all dismissals and discharges carried into execution under sentences by courts-martial following approval, review, or affirmation as required by this code, are final and conclusive. Orders publishing the proceedings of courts-martial and all action taken pursuant to those proceedings are binding upon all departments, courts, agencies, and officers of the United States and the several states, subject only to action upon a petition for a new trial and to action for remission and suspension.

Sec. 21. [192A.566] ILLEGAL PRESENCE OF CONTROLLED SUBSTANCE WHILE IN DUTY STATUS.

(a) A person subject to this code who, while in any duty status defined in section 190.05, subdivision 5, submits to a urinalysis test, the result of which is positive for a controlled substance described in paragraph (b), shall be punished as a court-martial may direct.

(b) For purposes of this section, "controlled substance" includes the following:

(1) opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance;

(2) any substance not specified in clause (1) that is listed on a schedule of controlled substances prescribed by the President of the United States for the purposes of the Uniform Code of Military Justice of the armed forces of the United States, United States Code, title 10, section 801 et seq.;

(3) any other substance not specified in clause (1) or contained on a list prescribed by the President of the United States under clause (2) that is listed in schedules I through V of article 202 of the Controlled Substances Act, United States Code, title 21, section 812; and

(4) any substance defined in sections 152.01 and 152.027, subdivision 6.

(c) It is an affirmative defense which may be proved by a preponderance of the evidence that the person had a valid prescription for that controlled substance and was using the controlled substance in the manner for which it was prescribed.

Sec. 22. Minnesota Statutes 2012, section 192A.605, is amended to read:

192A.605 GENERAL ARTICLE.

Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the state military forces, ~~and~~ all conduct of a nature to bring discredit upon the state military forces, any crime punishable by the law of this state other than those specifically enumerated in the punitive sections of this code, and any crime contained in the Uniform Code of Military Justice shall be punished as a court-martial may direct. However, where a crime constitutes an offense that violates both this code and the criminal laws of the state where the offense occurs or criminal laws of the United States, jurisdiction of the military court must be determined in accordance with section 192A.02, subdivision 3, paragraph (a).

Sec. 23. Minnesota Statutes 2012, section 192A.62, is amended to read:

192A.62 SECTIONS TO BE EXPLAINED.

Sections 192A.02, 192A.025, 192A.045, 192A.065, 192A.07, 192A.08, ~~192A.085~~ 192A.0851, 192A.155, 192A.205, 192A.385 to 192A.595, and 192A.62 to 192A.63 shall be carefully explained to every enlisted member at the time of the member's enlistment or transfer or induction into, or at the time of the member's order to duty in or with any of the state military forces or within 30 days thereafter. They shall also be explained annually to each unit of the state military forces. A complete text of this code and of the rules prescribed by the governor thereunder shall be made available to any member of the state military forces, upon the member's request, for personal examination. Failure to provide briefings to soldiers or otherwise explain this code to soldiers shall not be a defense to a court-martial proceeding, except as mitigation in sentencing.

Sec. 24. Minnesota Statutes 2012, section 192A.66, is amended to read:

192A.66 DELEGATION OF AUTHORITY BY GOVERNOR.

~~Except for the power in sections 192A.115 and 192A.13,~~ The authority vested in the governor under this code may be delegated or subdelegated.

Sec. 25. **REPEALER.**

Minnesota Statutes 2012, sections 192A.085; and 192A.11, subdivisions 2 and 3, are repealed.

Presented to the governor May 16, 2013

Signed by the governor May 20, 2013, 3:17 p.m.