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Testimony on 2013 Assembly Bill 641
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Assembly Bill 641 and its companion Senate Bill 491 have been introduced at the request of the Wisconsin Department of Military Affairs. These companion bills would update the Wisconsin Code of Military Justice as part of an effort to confront the growing sexual assault crisis in the military. These state alterations are similar to the changes adopted in the federal code of military justice.

The Wisconsin Code of Military Justice contains statutory provisions enumerating the procedures, responsibilities, and the penalties concerning conduct involving members of the Wisconsin National Guard.

Last year, Secretary of Defense Chuck Hagel announced a major effort throughout the military to address the escalating sexual assault crisis in the armed services. The Department of Defense's (DoD) review of this problem uncovered significant evidence of a serious problem within the National Guard.

A 2013 Pentagon survey found that more than 26,000 military members were sexually assaulted in 2012. However, only 13% of those assaults were reported by the victims. Sexual crimes in the military can pose a threat to our national and state security by undermining the effectiveness and readiness of service members including those in the Wisconsin National Guard.

Governor Walker and the command of the Wisconsin National Guard are leading the nation's National Guard forces through efforts including this legislation, implementing a Sexual Assault Response Coordinator, creation of a team of investigators and by initiating the first National Guard Special Victims' Counsel.

AB 641 does the following:

- Updates the Wisconsin Code relating to sexual assaults, stalking and sexual misconduct to be consistent with federal code changes of 2011. This includes defining what constitutes sexual assault against an adult and against a child. Defines conduct by a National Guard member deemed to be stalking or sexual misconduct under the Wisconsin Code.
- It specifies what defenses are available to an accused in court martial proceedings.
- Provides clear authority for the punishments determined by the members of the court martial.
- It allows for a commissioned officer of the U.S. Armed Forces to preside over a court martial involving a member of the Wisconsin National Guard. Current law specifies that only a commissioned officer of the Wisconsin National Guard may preside over a court martial.

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-It eliminates the requirement for a three officer panel to investigate and recommend action regarding complaints alleging a National Guard member damaged or took another person's property. Instead, the commanding officer will be permitted to investigate such a complaint and determine the amount, if any, the harmed individual will be paid.

This legislation is supported by *The American Legion – Wisconsin Department*, the *Veterans of Foreign Wars – Wisconsin Department*, and the *Military Order of the Purple Heart – Wisconsin Department*.