



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6553/P3
MJW:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 322.036; and **to create** 321.04 (1) (s) of the statutes; **relating**
2 **to:** pretrial, trial, and post-trial procedures applicable to courts-martial cases
3 under the Wisconsin Code of Military Justice.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on Wisconsin National Guard Sexual Misconduct Procedures. Under current law, members of the Wisconsin National Guard on state status are subject to the Wisconsin Code of Military Justice (WCMJ), which codifies offenses that may be punished under the code and establishes procedures for enforcing the code.

Under current law, the Governor may prescribe pretrial, trial, and post-trial procedures, including modes of proof, for courts-martial cases arising under the WCMJ, “which shall apply the principles of law and the rules of evidence generally recognized in military criminal cases in the courts of the armed forces but which may not be contrary to or inconsistent with [the WCMJ].” The bill requires the Adjutant General to prescribe pretrial, trial, and post-trial procedures for courts-martial cases arising under the WCMJ in writing and to make these procedures publicly available on the department’s website.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 321.04 (1) (s) of the statutes is created to read:

