

§420. Composition of court-martial

1. Commissioned officer. A commissioned officer is eligible to serve on any court-martial for the trial of a person who may lawfully be brought before the court for trial.

[PL 1983, c. 460, §3 (NEW).]

2. Warrant officer. A warrant officer is eligible to serve on a court-martial for the trial of a person, other than a commissioned officer, who may lawfully be brought before the court for trial.

[PL 1983, c. 460, §3 (NEW).]

3. Enlisted member. An enlisted member is eligible to serve on a court-martial for the trial of an enlisted member of an armed force who may lawfully be brought before the court for trial. An enlisted accused may not be tried by a court-martial that does not include in its membership enlisted members in a number comprising at least 1/3 of the total membership of the court.

[PL 2001, c. 662, §51 (AMD).]

4. Rank or grade. Except where it cannot be avoided, a member of the military forces may not be tried by a court-martial any member of which is junior in rank or grade to the member being tried. When convening a court-martial, the convening authority shall detail persons in the military forces who, in the convening authority's opinion, are qualified for the duty by reason of age, education, training, experience, length of service and judicial temperament. No member of the military forces may serve as a member of a court-martial when the member is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case.

[RR 2019, c. 1, Pt. B, §28 (COR).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 2001, c. 662, §51 (AMD). RR 2019, c. 1, Pt. B, §28 (COR).

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