

## CHAPTER 192A

## UNIFORM CODE OF MILITARY JUSTICE

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**192A.015 DEFINITIONS.**

In this chapter, unless the context otherwise requires:

- (1) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused;
- (2) "Active state duty" means the same as state active service defined in section 190.05, subdivision 5a;
- (3) "Code" means this chapter;
- (4) "Commanding officer" means a commissioned officer who is in command of any unit;
- (5) "Commissioned officer" includes a commissioned warrant officer;
- (6) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command;
- (7) "Enlisted member" means a person in an enlisted grade;
- (8) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation;
- (9) "In federal service" and "not in federal service" mean the same as those terms are used and construed in federal laws and regulations;
- (10) "May" is used in a permissive sense. The words "no person may" mean that no person is required, authorized, or permitted to do the act prescribed;
- (11) "Military" refers to any or all of the armed forces of the United States or any state;
- (12) "Military court" means a court-martial, a court of inquiry;
- (13) "Officer" means commissioned or warrant officer;
- (14) "Rank" means the order of precedence among members of the state military forces;
- (15) "Shall" is used in a mandatory sense;
- (16) "State judge advocate" means the commissioned officer responsible for supervising the administration of the military justice in the state military forces and appointed pursuant to Minnesota Statutes, section 192A.04;
- (17) "State military forces" means the national guard of the state, as defined in section 101 (3) of title 32, United States Code, and any other military force organized under the laws of the state;
- (18) "Superior commissioned officer" means a commissioned officer superior in rank and command.

**History:** 1983 c 193 s 8

**192A.02 PERSONS SUBJECT TO THIS CODE.**

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

*[For text of subds 2 and 3, see M.S.1982]*

**History:** 1983 c 193 s 9

**192A.255 REFUSAL TO APPEAR OR TESTIFY.**

Subdivision 1. **Refusal to appear.** Any person not subject to this code who:

(1) has been duly subpoenaed to appear as a witness or to produce books and records before a military court or before any military or civil officer designated to take a deposition to be read in evidence before a court;

(2) has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the district court of the state; and

(3) willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person has been legally subpoenaed to produce;

is guilty of an offense against the state and a military court may punish him in the same manner as the civil courts of the state.

**History:** 1983 c 247 s 81