

192A.385 PERSONS TO BE TRIED OR PUNISHED.

Subdivision 1. **Duty status required.** No person may be tried or punished for any offense provided for in sections 192A.39 to 192A.605 unless it was committed while that person was in a duty status as a member of the state military forces not in federal active service.

Subd. 2. **Determination.** Duty status may extend to any soldier while acting in the line of duty or during any consecutive duty periods. Consecutive duty periods run from the time the soldier is required to be at the assigned duty station until the soldier is dismissed from duty. Duty status may be determined by weighing factors including, but not limited to, whether the soldier:

- (1) is in uniform;
- (2) is attending a unit endorsed event;
- (3) is drilling in excess of 50 miles from the soldier's normal duty station;
- (4) is involved in an activity which is service-connected;
- (5) has been released versus dismissed from duty; and
- (6) is staying at lodging provided by the military or at military expense.

History: 1963 c 661 s 192A.385; 1986 c 444; 2002 c 308 s 36