

**Effective 5/12/2015**

**39-1-40.5 Utah Code of Military Justice -- Procedures -- Jurisdiction.**

- (1) Title 39, Chapter 6, Utah Code of Military Justice, is adopted as the Utah Code of Military Justice, which may also be referred to as the UtCMJ.
- (2) The UtCMJ sets forth offenses which, if committed by personnel of the Utah National Guard serving under this title or Title 32, United States Code, are punishable as the Utah Military Court directs under regulations made and published under the UtCMJ.
- (3) The Utah Military Court is a court of the state, convened under orders issued by the governor or the adjutant general. Judges of the court may issue summons, executions, and other process. The process shall be served by county sheriffs, at the expense of the state.
- (4) Judgments for fines or forfeitures may be docketed in the same manner as district court judgments in each county, and without costs.
- (5) Appeals shall be taken to the Court of Appeals.
- (6) Sentences of the Utah Military Court shall be served in a county jail. Costs incurred by the county shall be paid out of the General Fund of the state.
- (7) Certification as counsel for prosecution or defense, or as a judge of the Utah Military Court, is under orders issued by the adjutant general, and is limited to attorneys who are members of the Utah State Bar and are serving as judge advocates in the Utah National Guard.
- (8) A defendant may retain, at no cost to the state or National Guard, civilian counsel to represent him before the Utah Military Court.
- (9) The Utah Military Court may impose fines not exceeding \$2,500, restitution to victims, statutory surcharges, and may issue all writs and judgments for the execution of any of them.
- (10) When consistent with the Utah Manual for Military Courts, the Utah Rules of Criminal Procedure apply in Utah Military Courts.

Amended by Chapter 70, 2015 General Session