

**39-6-107 Courts of inquiry.**

- (1) Courts of inquiry to investigate any matter may be convened by the governor or his designee, whether or not the persons involved have requested the inquiry.
- (2) A court of inquiry consists of three or more commissioned officers. For each court, the convening authority shall also appoint counsel for the court.
- (3)
  - (a) A person subject to this chapter whose conduct is subject to inquiry shall be designated as a party. A person subject to this chapter or employed by the National Guard, who has a direct interest in the subject of inquiry, has the right to be designated as a party upon request to the court.
  - (b) A person designated as a party shall be given due notice and has the right to be present, represented by counsel, to have counsel appointed, to cross examine witnesses, and to introduce evidence.
- (4) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.
- (5) The members, counsel, the reporter, and interpreters of a court of inquiry shall take an oath or affirmation to faithfully perform their duties.
- (6) Witnesses may be summoned to appear and testify and be examined before a court of inquiry, under the same provisions as for a military court.
- (7) A court of inquiry shall make findings of fact but may not express opinions or make recommendations, unless required to do so by the convening authority.
- (8)
  - (a) A court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority.
  - (b) If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be authenticated by a member in lieu of the counsel.

Amended by Chapter 110, 1993 General Session