

39-6-20 Military judge -- Qualifications -- Designation for detail.

- (1) The authority convening a military court shall, subject to regulations made by the governor, detail a military judge to preside over each open session of the court.
- (2) A military judge shall be:
 - (a) a commissioned officer;
 - (b) a member of the Utah State Bar;
 - (c) a member of the bar of a federal court; and
 - (d) certified as qualified for this duty by the state judge advocate.
- (3)
 - (a) The military judge of a military court shall be designated by the state judge advocate or the SJA's designee for detail by the convening authority.
 - (b) Unless the military court was convened by the governor, neither the adjutant general nor the adjutant general's staff may prepare or review any report concerning the effectiveness, fitness, or efficiency of the detailed military judge that relates to the judge's performance of duty as a military judge.
- (4) A person is not eligible to act as a military judge in a case if the person:
 - (a) is the accuser;
 - (b) is a witness in the case;
 - (c) has acted as investigating officer; or
 - (d) is a counsel in the same case.
- (5) The military judge of a court may not:
 - (a) consult with the members of the court, except in the presence of the accused, trial counsel, and defense counsel; or
 - (b) vote with the members of the court.

Amended by Chapter 287, 2008 General Session