

**39-1-58 Vacating officer commissions -- Placement of officers in reserves.**

- (1) Commissions of officers of the National Guard may be vacated upon resignation or absence without leave for three months pursuant to the sentence of a military court.
- (2)
  - (a) Officers of the National Guard rendered excess by the disbandment of their organization shall be placed in the National Guard reserve.
  - (b) Officers may, upon their own application, be placed in the reserve.

Amended by Chapter 359, 2004 General Session