

**39-6-30 Military court findings -- Prohibition of censuring or influencing court actions --
Military court member's performance.**

- (1) An authority convening a military court, or any other commanding officer, or officer serving on the staff of any of these persons, may not censure, reprimand, or admonish the court or any member, military judge, or counsel of the court, with respect to the findings or sentence adjudged by the court, or any other function carried out in the proceeding.
- (2) A person subject to this chapter may not attempt to coerce, or by any unauthorized means influence the action of:
 - (a) the military court or any other military tribunal or any member of these in their arriving at the findings or sentence in any case; or
 - (b) any convening, approving, or reviewing authority with respect to his judicial acts.
- (3) Subsection (2) does not apply to:
 - (a) general instructional or informational courses in military justice, if the courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of a military court; or
 - (b) statements and instructions given in open court by the military judge, the president of a military court, or counsel.
- (4) In preparing an effectiveness, efficiency, or fitness report, or any other report or document used in whole or in part for determining whether a member of the National Guard is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the National Guard, or in determining whether a member should be retained in an active status, a person subject to this chapter may not:
 - (a) consider or evaluate the performance of duty of any member of a military court; or
 - (b) give a less favorable rating or evaluation of any member of the National Guard because of the zeal with which the member, as counsel, represented any accused before a military court or before any other proceeding authorized by this chapter.

Enacted by Chapter 210, 1988 General Session