

39-6-45 Vote necessary for conviction or other questions -- Tie vote.

- (1) A person may not be convicted of any offense except by a unanimous verdict of the members of the court present at the time the vote is taken.
- (2)
 - (a) All other questions decided by the members of a military court are determined by a majority vote. However, a determination to reconsider a finding of guilty, to reconsider a sentence, or to decrease it, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.
 - (b) A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity is a determination against the accused. A tie vote on any other question is a determination in favor of the accused.

Amended by Chapter 15, 1989 General Session