

**39-6-4 Fraudulently obtained discharge -- Desertion.**

- (1) A person discharged from the National Guard who is later charged with having fraudulently obtained the discharge is, subject to Section 39-6-72, subject to trial by a military court on that charge.
- (2) After apprehension, he is subject to this chapter while in military custody for trial. Upon conviction of that charge he is subject to trial for all offenses under this chapter committed prior to fraudulent discharge.
- (3) A person who has deserted from a military unit, which act would subject him to the jurisdiction of this chapter, is not relieved from the jurisdiction of this chapter due to a separation from any later period of service.

Enacted by Chapter 210, 1988 General Session