

39-6-61 Probation violation -- Hearing -- Counsel -- Execution of suspended sentence.

- (1)
 - (a) Before the vacation of the suspension of a military court sentence, the officer holding convening authority jurisdiction over the probationer shall hold a hearing on the alleged violation of probation.
 - (b) The probationer shall be represented by counsel at the hearing.
- (2)
 - (a) The record of the hearing and the recommendation of the officer having jurisdiction shall be sent for action to the governor in cases involving a military court sentence of confinement, and to the commanding officer of the unit of the National Guard of which the probationer is a member, in all other cases.
 - (b) If the governor or commanding officer vacates the suspension, any unexecuted part of the sentence except a dismissal shall be executed.
- (3) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court that imposed the sentence.

Amended by Chapter 12, 1994 General Session