

**39-6-74 Desertion.**

- (1) A member of the National Guard is guilty of desertion who:
  - (a) without authority leaves or remains absent from his unit, organization, or place of duty with intent to remain away from it permanently;
  - (b) quits his unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service; or
  - (c) without being regularly separated from one of the forces of the National Guard enlists or accepts an appointment in the same or another one of the armed forces of the National Guard without fully disclosing the fact that he has not been regularly separated.
- (2) A commissioned officer of the National Guard who, after tender of his resignation and before notice of its acceptance, quits his post or duties without leave and with intent to remain away permanently is guilty of desertion.
- (3) A person found guilty of desertion or attempt to desert shall be punished as a military court directs.

Enacted by Chapter 210, 1988 General Session