

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 1018  
HOUSE BILL 926

1 AN ACT TO AMEND CHAPTER 127 OF THE GENERAL STATUTES OF NORTH  
2 CAROLINA PERTAINING TO COURTS MARTIAL.

3  
4 The General Assembly of North Carolina do enact:

5  
6 **Section 1.** G.S. 127-38 is amended by deleting the word "Army" in line six thereof  
7 and substituting therefor the words "Armed Forces".

8 **Sec. 2.** G.S. 127-39 is amended by deleting the word "four" in line four thereof and  
9 substituting therefor the word "two", and further by deleting the words "noncommissioned  
10 officers" in line six and substituting therefor the words "enlisted personnel".

11 **Sec. 3.** G.S. 127-40 is amended as follows:

12 (a) By inserting after the word "regiments" in the first line of subdivision (1) the  
13 words "or comparable commands";

14 (b) By adding a new sentence immediately after the first sentence in the last  
15 paragraph of the Section to read as follows: "A special courtmartial may not try a  
16 commissioned officer.";

17 (c) By deleting the words and figures "two hundred dollars (\$200.00)" in the  
18 final unnumbered paragraph of said Section and substituting in lieu thereof the words and  
19 figures: "one hundred dollars (\$100.00)".

20 **Sec. 4.** G.S. 127-41 is amended by rewriting the last sentence to read as follows:  
21 "Such courts shall also have the power to impose fines not exceeding twenty-five dollars  
22 (\$25.00) for any single offense, may sentence to forfeiture of pay and allowances, or may  
23 sentence enlisted personnel to reduction in rank; but in the case of noncommissioned officers  
24 above the fourth enlisted grade, may not adjudge reduction except to the next inferior grade."

25 **Sec. 5.** G.S. 127-42 is amended by changing "two dollars (\$2.00)" to "one dollar  
26 (\$1.00)" in the last line thereof.

27 **Sec. 6.** G.S. 127-71 is amended by substituting "provisions of the Uniform Code of  
28 Military Justice of the United States" in lieu of "articles of war and articles for the government  
29 of the Navy" wherever the same may appear throughout the Section; the Section is further  
30 amended by substituting the words "Armed Forces" for the words "Army and Navy" wherever  
31 the same may appear throughout the Section; and by deleting the words "rules and articles" in  
32 line fourteen and substituting in lieu thereof the word "Code".

33 **Sec. 7.** G.S. 127-105 is amended by appropriately changing the caption and  
34 rewriting the Section to read as follows:

35 "**§ 127-105.** The National Guard, State Defense Militia and Naval Militia, when not in the  
36 service of the United States, shall, except as to punishments, be governed by the orders, rules  
37 and regulations of the Adjutant General, regulations promulgated by the Secretary of the  
38 appropriate service of the Armed Forces of the United States, and the Uniform Code of Military  
39 Justice, as amended from time to time."

40 **Sec. 8.** All laws and clauses of laws in conflict with this Act are hereby repealed.

41 **Sec. 9.** This Act shall be in full force and effect from and after its ratification.

42 In the General Assembly read three times and ratified, this the 19th day of June,  
43 1963.