2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2163 **STATUS:** Original
SUBJECT: Allows Adjutant General to appoint temporary Assistant State Judge Advocates.
GOVERNMENT UNIT AFFECTED: Oregon Military Department
PREPARED BY: Tim Walker
REVIEWED BY: John Borden
DATE: February 1, 2009

	2009-2011	2011-2013
EXPENDITURES:		
See Comments		

EFFECTIVE DATE: January 1, 2010

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: This bill allows the Adjutant General of the Oregon National Guard to appoint temporary Assistant State Judge Advocates, creates the position of State Judge Advocate Legal Assistant, and gives the State Supreme Court exclusive jurisdiction over appeals from the Armed Forces Court of Appeals for Oregon.

Under current practice, the Judge Advocate General of the National Guard Bureau in Washington D.C., is responsible for appointing Assistant State Judge Advocates (ASJA). This process can take up to 8 months. During this time the ASJA cannot represent servicemen under the Uniform Code of Military Justice or the Oregon Code of Military Justice. In general, the cases represented by ASJA's are failed drug tests, wills, and misdemeanors. Felonies and crimes of a serious nature are referred to the District Attorneys for prosecution. Any cases coming out of the Armed Forces Court of Appeals for Oregon would, presumably, have to meet certain requirements before being referred to the Oregon Supreme Court for adjudication. The expenses associated with the ASJA's are borne by the National Guard Bureau.

This bill also changes the time in which a service member can apply for relief in certain circumstances from 6 months to 90 days.