

SB 994 STAFF MEASURE SUMMARY

Carrier: Sen. Linthicum

Senate Committee On Veterans, Emergency Management, Federal and World Affairs

Action Date: 03/23/23

Action: Do pass.

Vote: 5-0-1-0

Yeas: 5 - Linthicum, Manning Jr, President Wagner, Thatcher, Woods

Exc: 1 - Gorsek

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Beverly Schoonover, LPRO Analyst

Meeting Dates: 3/21, 3/23

WHAT THE MEASURE DOES:

Modifies requirements for the Adjutant General of the Oregon National Guard to appoint National Guard members as temporary Assistant State Judge Advocates. Removes the authority of the Adjutant General to appoint State Judge Advocate Legal Assistants. Removes obsolete language regarding the Oregon Code of Military Justice regarding inspections of military justice and legal services, and Office of the Staff Judge Advocate (OSJA) communications.

ISSUES DISCUSSED:

- Timeframe and qualifications needed for permanent appointments
- Use of the term "organized militia" versus Oregon National Guard

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Office of the Staff Judge Advocate (OSJA, commonly known as the JAG) provides legal services and counsel to Oregon National Guard commanders and service members. OSJA advises the Adjutant General, commanders, and directors on federal and state law and provides legal advice and representation to Guard members.

Current law allows the Adjutant General to appoint commissioned officers as temporary Assistant State Judge Advocates, which excludes noncommissioned Guard members. Assistant State Judge Advocates can gain valuable work and legal experience at OSJA, while they are in law school or studying for the Oregon State Bar exam. Current law also allows the Adjutant General to appoint State Judge Advocate Legal Assistants; however, according to the OSJA, they have not needed to exercise this statutory authority and are able to hire legal assistance when needed.

Senate Bill 994 allows the Adjutant General to appoint National Guard members as temporary Assistant State Judge Advocates. It removes the unexercised authority of the Adjutant General to appoint State Judge Advocate Legal Assistants. The measure also removes obsolete language regarding the Oregon Code of Military Justice regarding inspections of military justice and legal services, and OSJA communications.