

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 899

An Act to amend and reenact § 44-40.01 of the Code of Virginia, relating to nonjudicial disciplinary proceedings in the Virginia National Guard.

[S 600]

Approved April 13, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 44-40.01 of the Code of Virginia is amended and reenacted as follows:

§ 44-40.01. Nonjudicial disciplinary proceedings.

Service members of the Virginia National Guard, not in federal service, are subject to nonjudicial punishment pursuant to Part V of the Manual for Courts-Martial, United States. A commander's authority to impose nonjudicial punishment shall not include the authority to impose correctional custody, arrest in quarters, restriction, or extra duties. ~~Reduction in rank shall not be imposed if the service member has more than 10 years of military service and is in the rank of E-5 or above.~~ When nonjudicial punishment is to be imposed by a commanding officer of the rank of major or above, a service member shall not be allowed to demand trial by court-martial in lieu of nonjudicial punishment. Service members shall retain all appeal rights available under the Manual for Courts-Martial, and the appeal shall include a review for abuse of discretion and legal sufficiency of the evidence.