

**RCW 38.32.020 Military offenses.** (1) Military offenses under chapter 38.38 RCW committed by members of the organized militia may be tried and punished as provided under chapter 38.38 RCW.

(2) Primary jurisdiction over military offenses enumerated in chapter 38.38 RCW is with military authorities. Primary jurisdiction over nonmilitary offenses is with civilian authorities. If an offense may be both military and nonmilitary, the military authorities may proceed only after the civilian authorities have declined to prosecute or dismissed the charge, provided jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be determined by whether the underlying offense is a military or nonmilitary offense.

(3) Any member of the organized militia committing any offense under chapter 38.38 RCW may, if such offense is committed on a military reservation of the United States within this state, be turned over to the civil authorities for trial as provided by federal law. [2009 c 378 § 2; 1989 c 19 § 40; 1963 c 220 § 135; 1943 c 130 § 81; Rem. Supp. 1943 § 8603-81.]