

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 49.
MILITARY.

CHAPTER 2.
ARMAMENT, EQUIPMENT, AND SUPPLIES.

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DISTRICT OF COLUMBIA OFFICIAL CODE
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SUPPLIES.

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CHAPTER 2. ARMAMENT, EQUIPMENT, AND SUPPLIES.

§ 49-201. ISSUANCE BY DEPARTMENT OF ARMY.

The uniforms, arms, and equipments of the National Guard shall as far as practicable be the same as prescribed and furnished to the regular Army. Every organization of the National Guard shall be provided with such ordnance and ordnance stores, clothing, camp and garrison equipage, quartermaster's stores, medical supplies, and other military stores, as may be necessary for the proper training and instruction of the force and for the proper performance of the duties required under this chapter. Such property shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of the Army, to the Commanding General, upon his requisitions for the same. The property so issued shall remain and continue to be the property of the United States, and shall be accounted for by the Commanding General at such times, in manner, and on such forms as the Secretary of the Army may require.

(Mar. 1, 1889, 25 Stat. 776, ch. 328, § 31; Feb. 18, 1909, 35 Stat. 632, ch. 146, § 29.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-201.

1973 Ed., § 39-501.

§ 49-202. REGULATIONS FOR REISSUE OF EQUIPMENT BY COMMANDING GENERAL.

The Commanding General may transfer all public property, received by him for the use of the National Guard under the provisions of this chapter, to the several departmental officers of the general staff, and may make and prescribe regulations for its issue by them, and for its care and preservation by the officers or soldiers to whom issued.

(Mar. 1, 1889, 25 Stat. 776, ch. 328, § 32; Feb. 18, 1909, 35 Stat. 632, ch. 146, § 30.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-202.

1973 Ed., § 39-502.

§ 49-203. PERSONAL LIABILITY FOR EQUIPMENT; DETERMINATION OF VALUE OF LOST EQUIPMENT.

Every officer and enlisted man to whom property of the United States has been issued shall be personally responsible to the United States for such property, and no one shall be relieved from such responsibility except it be shown to the satisfaction of the Commanding General that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for the same; and in all other cases the value of the property lost or destroyed shall be charged against the person at fault or to the organization to which it has been issued, and such person or organization, if not relieved from such charge by the Commanding General, shall pay the value of such property to the Quartermaster General within 1 year after such loss or destruction. The value of lost or destroyed property and the person or organization to be charged therewith shall be determined by a board to consist of an inspector of the staff of the Commanding General of the militia and the commanding officer of the organization in which such property is lost. In case of disagreement such value shall be fixed by the Commanding General of the militia.

(Mar. 1, 1889, 25 Stat. 776, ch. 328, as added Feb. 18, 1909, 35 Stat. 632, ch. 146, § 31.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-203.

1973 Ed., § 39-503.

§ 49-204. RETURNS OF EQUIPMENT.

Every officer receiving public property for military use shall be accountable for the articles so received by him, and shall make returns of such property at such times, in such manner, and on such forms as may be prescribed. He shall be liable to trial by court-martial for neglect of duty, and also make good to the United States the value of all such property defaced, injured, destroyed or lost, by any neglect or default on his part, to be recovered in an action of tort, or by any other action at law, to be instituted by the Judge Advocate General of the militia at the order of the Commanding General. All money received on account of loss or damages shall be paid in the Treasury of the United States, and shall be accounted for by the Commanding General in his returns to the Secretary of the Army.

(Mar. 1, 1889, 25 Stat. 776, ch. 328, § 33; Feb. 18, 1909, 35 Stat. 633, ch. 146, § 32.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-204.

1973 Ed., § 39-504.

§ 49-205. PENALTY FOR SELLING, PAWNING, INJURING, OR RETAINING PUBLIC PROPERTY.

Any officer or soldier who shall sell, dispose of, pawn or pledge, willfully destroy or injure, or retain after proper demand made, any public property issued under the provisions of this title, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not exceeding 2 months, or by a fine not exceeding \$100, or by both; and it is hereby made the duty of the judge of the Superior Court of the District of Columbia, upon information filed or complaint, made under oath, to issue process for the arrest of the offender, and to cause him to be brought before the Superior Court of the District of Columbia to be dealt with according to the provisions of this section.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, § 34; Feb. 18, 1909, 35 Stat. 633, ch. 146, § 33; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-205.

1973 Ed., § 39-505.

§ 49-206. TRANSFER OF PROPERTY ON PROMOTION, RETIREMENT, OR DISMISSAL.

Upon the promotion, tender of resignation, retirement, or dismissal of any officer who is responsible or accountable for public property, the Commanding General of the militia shall designate an officer to accept and receipt for such property, and direct the officer responsible or accountable therefor to make prompt transfer of all property remaining on hand; and it shall be the duty of the officer responsible or accountable to proceed at once to complete such transfer and close his accounts without delay.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, as added Feb. 18, 1909, 35 Stat. 633, ch. 146, § 34.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-206.

1973 Ed., § 39-506.

§ 49-207. FAILURE TO TRANSFER PROPERTY; VERIFICATION BY SURVEYING OFFICER.

Should any officer responsible or accountable for public property, after receiving instructions to transfer the same as aforesaid, fail to make proper transfer as directed within 30 days or any authorized extension of that period, the heads of the respective staff departments exercising supervision over or control of said property shall report the facts to the Adjutant General for the action of the Commanding General of the militia. Upon receiving such a report the Commanding General may in his discretion direct that a surveying officer be appointed, and it shall be the duty of such surveying officer to ascertain and verify all public property which the delinquent officer had on hand and certify the same to the officer designated to receive it, who will immediately take up all property so certified and receipt for the same to the head of the proper staff department. The surveying officer will then proceed to determine and fix the responsibility for the loss or destruction of any of the foregoing property which is not found or transferred as directed.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, as added Feb. 18, 1909, 35 Stat. 633, ch. 146, § 35.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-207.

1973 Ed., § 39-507.

§ 49-208. DEFECTIVE ACCOUNTS; SURVEYING OFFICER TO FIX RESPONSIBILITY.

Should any officer responsible or accountable for public property, after receiving instructions to transfer the same and close his accounts as aforesaid, fail to close his accounts to the satisfaction of the Commanding General, the heads of the respective staff departments exercising supervision over or control of said property will report the facts to the Adjutant General for the action of the Commanding General of the militia. Upon receiving such a report, the Commanding General may, in his discretion, direct that a surveying officer be appointed to determine and fix the responsibility for the loss or destruction of any public property for which said officer is responsible or accountable and which he has failed to transfer to the officer designated to receive the same.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, as added Feb. 18, 1909, 35 Stat. 633, ch. 146, § 36.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-208.

1973 Ed., § 39-508.

§ 49-209. SURVEYING OFFICER TO BE APPOINTED UPON DEATH OR DESERTION OF ACCOUNTING OFFICER.

In the event of the death or desertion of any officer accountable for public property the Commanding General shall direct that a surveying officer be appointed, and also designate an officer to receive such property. Said surveying officer shall ascertain and verify all public property which the deceased or deserting officer had on hand at the time of his death or desertion and certify the same to the officer designated to receive it, who will immediately take up all property so certified and receipt for the same to the heads of the proper staff departments. The surveying officer will then proceed to determine and fix the responsibility for the loss or destruction of any of the foregoing property which is not found or transferred as directed.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, as added Feb. 18, 1909, 35 Stat. 633, ch. 146, § 37.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-209.

1973 Ed., § 39-509.

§ 49-210. LIABILITY OF OFFICER OR HIS ESTATE UNTIL ACCOUNTS ARE FOUND CORRECT.

Until an officer or his legal representative shall have received notice that the property accounts of such officer have been examined and found correct the liability of such officer or of his estate for public property for which he is or may have been responsible or accountable shall be in no way affected by resignation, discharge, change in official position, desertion, or death.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, as added Feb. 18, 1909, 35 Stat. 633, ch. 146, § 38.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-210.

1973 Ed., § 39-510.

§ 49-211. LIABILITY OF OFFICER'S ESTATE FOR PROPERTY LOST, INJURED, OR DESTROYED.

Compensation for any public property defaced, injured, lost, or destroyed through the neglect or default of a deceased officer may be recovered from his estate in the manner provided in § 49-205.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, as added Feb. 18, 1909, 35 Stat. 633, ch. 146, § 38.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-211.

1973 Ed., § 39-511.

§ 49-212. DISTINCTIVE UNIFORMS.

Any organization of the active militia may, with the approval of the Commanding General, and at its own expense, adopt any other uniform than that issued to it; but such uniform shall not be worn when such organization is on duty under the orders of the Commanding General except by his permission.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, § 37; renumbered Feb. 18, 1909, 35 Stat. 634, ch. 146, § 40.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-212.

1973 Ed., § 39-512.

§ 49-213. RIGHT TO OWN PERSONAL PROPERTY; ACTIONS FOR INJURIES.

Organizations of the National Guard shall have the right to own and keep personal property, which shall belong to and be under the control of the active members thereof; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property; action for such recovery to be brought in the name of such commanding officer, before the court in the District of Columbia having jurisdiction of the amount in controversy, and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but, upon the motion of the commander succeeding him, such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, § 38; renumbered Feb. 17, 1909, 35 Stat. 623, ch. 134; Feb. 18, 1909, 35 Stat. 634, ch. 146, § 41; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 575, Pub. L. 91-358, title I, § 157(i).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-213.

1973 Ed., § 39-513.

§ 49-214. ARMORIES TO BE PROVIDED.

The Quartermaster General of the militia shall provide, by rental or otherwise, such armories for the National Guard as may be allowed and directed by the Commanding General. He shall also provide each organization with such lockers, closets, gun racks, and cases or desks as may be necessary for the care, preservation, and safekeeping of the arms, equipments, uniforms, records, and other militia property in their possession. He shall also provide suitable rooms for the offices of the Commanding General and staff, for the keeping of books, the transaction of business, and the instruction of officers, and also suitable places for the storage and safekeeping of public property.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, § 39; renumbered Feb. 18, 1909, 35 Stat. 634, ch. 146, § 42.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-214.

1973 Ed., § 39-514.

§ 49-215. ANNUAL INSPECTIONS.

An annual inspection and muster of each organization of the National Guard, and an inspection of their armories and of public property in their possession, shall be made at such times and places as the Commanding General may order and direct.

(Mar. 1, 1889, 25 Stat. 778, ch. 328, § 42; renumbered Feb. 18, 1909, 35 Stat. 634, ch. 146, § 45.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-215.

1973 Ed., § 39-515.

§ 49-216. USE OF FORT LESLEY J. MCNAIR.

National Guard shall have the use of the drill grounds and rifle range at Fort Lesley J. McNair, subject to the approval of the Secretary of the Army, and the Commanding General of the militia shall provide such additional targets and accessories as may be necessary for the use of the militia.

(Mar. 1, 1889, 25 Stat. 778, ch. 328, § 44; renumbered Feb. 18, 1909, 35 Stat. 634, ch. 146, § 47.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-216.

1973 Ed., § 39-516.

§ 49-217. PURCHASE OF SUPPLIES.

The purchase of supplies and the procurement of services for all branches of the District of Columbia militia service may be made in open market, in the manner common among businessmen, when the aggregate of the amount required does not exceed \$100.

(May 26, 1908, 35 Stat. 308, ch. 198, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 39-217.

1973 Ed., § 39-517.