**Section 400.130 Military Judges**

a) *The Governor or the Adjutant General shall appoint at least one judge advocate officer from the active rolls of the Illinois National Guard who has been previously certified and qualified for duty as a military judge by the Judge Advocate General of the judge advocate officer's respective armed force under* *UCMJ Article 26(b) to serve as a military judge under the Code*.

b) *The military judge shall hold the rank of Major or above.* (Code Section 6(a)) The military judge not only rules on all legal issues, motions and items provided for in the Code and during courts-martial, but, in order to effectuate this intent and process, the military judge has the responsibilities provided in RCM 801.