

HOUSE BILL No. 2392

By Committee on Veterans and Military

2-10

1 AN ACT concerning veterans and military; updating the Kansas code of
2 military justice relating to certain definitions, unlawful acts and
3 punishment requirements thereof; amending K.S.A. 48-2101, 48-2102,
4 48-2103, 48-2105, 48-2106, 48-2201, 48-2203, 48-2204, 48-2602, 48-
5 2605, 48-2708, 48-2709, 48-2801, 48-2802, 48-3003, 48-3005, 48-
6 3006, 48-3007, 48-3008, 48-3009, 48-3010, 48-3011, 48-3012, 48-
7 3013, 48-3014, 48-3015, 48-3016, 48-3017, 48-3018, 48-3019, 48-
8 3020, 48-3021, 48-3022, 48-3023, 48-3024, 48-3025, 48-3026, 48-
9 3027, 48-3028, 48-3029, 48-3030, 48-3031, 48-3032, 48-3033, 48-
10 3033a, 48-3034, 48-3035, 48-3035a, 48-3036, 48-3037, 48-3038, 48-
11 3039, 48-3040, 48-3041, 48-3042, 48-3043, 48-3044, 48-3101, 48-
12 3102, 48-3103, 48-3104, 48-3105, 48-3108, 48-3109, 48-3110 and 48-
13 3112 and K.S.A. 2022 Supp. 48-2301 and repealing the existing
14 sections; also repealing K.S.A. 48-2104, 48-2202, 48-2205, 48-2206,
15 48-2207, 48-2208, 48-2401, 48-2401a, 48-2402, 48-2402a, 48-2403,
16 48-2404, 48-2405, 48-2406, 48-2501, 48-2501a, 48-2502, 48-2503, 48-
17 2504, 48-2505, 48-2506, 48-2507, 48-2601, 48-2603, 48-2604, 48-
18 2606, 48-2701, 48-2702, 48-2703, 48-2704, 48-2705, 48-2706, 48-
19 2707, 48-2710, 48-2711, 48-2712, 48-2713, 48-2714, 48-2715, 48-
20 2716, 48-2717, 48-2718, 48-2719, 48-2803, 48-2804, 48-2915, 48-
21 2916, 48-2917, 48-2918, 48-2919, 48-2920, 48-2921, 48-2922, 48-
22 2923, 48-2924, 48-2925, 48-2926, 48-2927, 48-2928, 48-2929, 48-
23 2930, 48-2931, 48-2932, 48-3001, 48-3106, 48-3107 and 48-3114.
24

25 *Be it enacted by the Legislature of the State of Kansas:*

26 New Section 1. (a) No member of the state military forces may be
27 placed in confinement in immediate association with enemy prisoners,
28 both foreign and domestic, or other foreign nationals who are not members
29 of the armed forces.

30 New Sec. 2. (a) A person punished under K.S.A. 48-2301, and
31 amendments thereto, by a company-grade commanding officer who
32 considers the findings unsupported by the evidence or the punishment
33 unjust or disproportionate to the offense can demand from the
34 commanding officer a de novo review of the findings and punishment.

35 (1) Upon such demand, any punishment shall be stayed and the
36 hearing record, evidence and supporting documents under K.S.A. 48-

Proposed Amendments to HB 2392
for Committee on Veterans and
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February 21, 2023
Prepared by the Office of Revisor of
Statutes

1 2301, and amendments thereto, shall be forwarded to the next superior
2 field-grade commander.

3 (2) Upon receipt of such evidence, the next superior commander shall
4 obtain a written legal review of the matter and, after providing the accused
5 an opportunity to be heard, make a written decision on:

6 (A) Whether to uphold or reverse any finding of guilt; and

7 (B) Whether to uphold, mitigate or reduce any punishment.

8 (b) A person punished under K.S.A. 48-2301, and amendments
9 thereto, by a field-grade commanding officer, or an officer of a general or
10 flag rank in command who considers the punishment unjust or
11 disproportionate to the offense can, through the proper channel, appeal to
12 the next superior commander within 10 days of being informed about the
13 punishment.

14 (1) The appeal shall be promptly forwarded and decided, but the
15 person punished may be required to undergo the punishment. The superior
16 commander may exercise the same powers with respect to the punishment
17 imposed in K.S.A. 48-2301(f), and amendments thereto.

18 (2) Before acting on an appeal, the superior commander in charge of
19 the appeal must give the accused the opportunity to be heard and can refer
20 the case to a judge advocate for consideration and advice. The manner in
21 which the opportunity to be heard is exercised at the sole discretion of the
22 superior commander.

(c) A person punished under K.S.A. 48-2201, and amendments
thereto, is entitled to one appeal but is not entitled to any appeal under
this section.

23 New Sec. 3. (a) The imposition and enforcement of disciplinary
24 punishment under K.S.A. 48-2301, and amendments thereto, for any act or
25 omission does not bar a trial by a civilian court of competent jurisdiction
26 for a serious crime or offense related to the same act or omission and not
27 properly punishable under this code.

28 (b) The enforcement of a disciplinary punishment may be shown by
29 the accused during trial proceedings and, when shown, shall be considered
30 in the determination of punishment if the accused is found guilty.

31 New Sec. 4. (a) Any person subject to this code shall be punished at
32 the direction of a commanding officer if such person is:

33 (1) ~~An officer or noncommissioned officer;~~

34 (2) In a training leadership position with respect to a specially
35 protected junior member of the armed forces; and

(2) engages

36 ~~(3) engaging in prohibited sexual activity with such specially~~
37 protected junior member of the armed forces.

38 (b) Any person subject to this code shall be punished at the direction
39 of a commanding officer if they are:

40 (1) A military recruiter and engage in prohibited sexual activity with
41 an applicant for military service;

42 (2) a military recruiter and engage in prohibited sexual activity with a
43 specially protected member of the armed forces who is enlisted under a

junior

1 delayed entry program; or
 2 (3) a military cadre and engages in prohibited sexual activity with a
 3 specially protected junior member of the armed forces who is enlisted
 4 under a delayed entry program.

5 (c) Consent is not a defense for any conduct listed in this section.

6 (d) As used in this section:

7 (1) "Applicant for military service" means a person who, under
 8 regulations prescribed by the secretary of the military department
 9 concerned, is an applicant for original enlistment or appointment in the
 10 United States armed forces or state military forces.

11 (2) "Military recruiter" means a person who, under regulations
 12 prescribed by the secretary of the military department concerned, is an
 13 applicant for original enlistment or appointment in the United States armed
 14 forces or state military forces.

15 (3) "Prohibited sexual activity" means, as specified in military
 16 regulations, inappropriate physical intimacy under circumstances
 17 described in such regulations.

18 (4) "Specially protected junior member of the armed forces" means:

19 (A) A member of the armed forces or state military forces who is
 20 assigned to, or is awaiting assignment to, basic training or other initial
 21 active duty for training, including a member who is enlisted under a
 22 delayed entry program;

23 (B) a member of the armed forces or state military forces who is a
 24 cadet, midshipman, an officer candidate or a student in any other officer
 25 qualification program; and

26 (C) a member of the armed forces or state military forces in any
 27 program that, by regulation prescribed by the secretary of the military
 28 department concerned, is identified as a training program for initial career
 29 qualification.

30 (5) "Training leadership position" means any person subject to this
 31 code that is assigned or attached to a unit whose primary purpose is the
 32 recruitment of members into the United States armed forces or state
 33 military forces or who serve as faculty, staff, drill instructor or in other
 34 leadership position in:

35 (A) A basic training program;

36 (B) a training program for entry into the United States armed forces
 37 or state military forces;

38 (C) a reserve officers' training unit;

39 (D) an officers' candidate school; or

40 (E) any program that is identified as a training program or initial
 41 career qualification.

42 New Sec. 5. Any person subject to this code shall be punished at the
 43 direction of a commanding officer if such person:

has the primary duty to recruit
 persons for military service

be guilty of the offense of sexual harassment and
 shall

person's conduct meets the following elements

1 (a) Repeatedly engages in behavior that involves unwelcome sexual
 2 advances;
 3 (b) requests sexual favors from or offers sexual favors to a
 4 subordinate; or
 5 (c) engages in either verbal or physical conduct of a sexual nature, if
 6 (1) Submission to or rejection of such conduct is made either
 7 explicitly or implicitly a term or condition of a person's job, pay or career;
 8 (2) submission to or rejection of such conduct by a person is used as a
 9 basis for career or employment decisions against such person; or
 10 (3) the conduct has the purpose or effect of unreasonably interfering
 11 with a person's work performance or creates an intimidating, hostile or
 12 offensive working environment;

13 New Sec. 6. (a) Any sentinel or lookout who is drunk, sleeps or
 14 leaves while on post before being regularly relieved shall be punished at
 15 the direction of a commanding officer.
 16 (b) Any sentinel or lookout who loiters or wrongfully sits down on
 17 post shall be punished at the direction of a commanding officer.
 18 New Sec. 7. (a) Any person subject to this code who, knowing that
 19 another person is a sentinel or lookout, uses wrongful and disrespectful
 20 language that is directed toward and within the hearing of the sentinel or
 21 lookout, who is in execution of duties as a sentinel or lookout, shall be
 22 punished at the direction of a commanding officer.
 23 (b) Any person subject to this code who, knowing that another person
 24 is a sentinel or lookout, behaves in a wrongful and disrespectful manner
 25 that is directed toward and within the sight of the sentinel or lookout, who
 26 is in execution of duties as a sentinel or lookout, shall be punished at the
 27 direction of a commanding officer.
 28 New Sec. 8. Any person subject to this code shall be punished at the
 29 direction of a commanding officer if such person willfully:
 30 (a) Alters, conceals, removes, mutilates, obliterates or destroys a
 31 public record; or
 32 (b) takes a public record with the intent to alter, conceal, remove,
 33 mutilate, obliterate or destroy such public record.
 34 New Sec. 9. Any person subject to this code shall be punished at the
 35 direction of a commanding officer if such person intentionally:
 36 (a) Falsely makes or alters any signature or any part of any writing
 37 that would, if genuine, impose a legal liability on another or change their
 38 legal rights or liability; or
 39 (b) utters, offers, issues or transfers such writing, known by the
 40 person to be so made or altered.
 41 New Sec. 10. (a) Any person subject to this code shall be punished at
 42 the direction of a commanding officer if such person willfully
 43 impersonates:

Such person made sexual advances, demands or requests for sexual favors or knowingly engaged in other conduct of a sexual nature;
 (b) such conduct was unwelcome; and
 (c) under the circumstances, such conduct

,

Would cause a reasonable person to believe, and such person did believe, that

,

would be

,

, benefits or entitlements

,

would cause a reasonable person to believe, and such person did believe, that

,

affecting such person's job, pay, career, benefits or entitlements

,

was so severe, repetitive or pervasive that a reasonable person would perceive, and such person did perceive, an intimidating, hostile or offensive work environment

appropriate authorities.

New Sec. 14. Any person subject to this code shall be punished at the direction of a commanding officer if such person willfully and wrongfully:

(a) Discharges or brandishes a firearm under any circumstances that endanger a human life; or

(b) causes a reasonable person to be apprehensive of the potential endangerment of human life.

New Sec. 15. Any person subject to this code shall be guilty of simple assault and shall be punished at the direction of a commanding officer if such person:

(a) Attempts to do bodily harm to another person;

(b) offers to do bodily harm to another person; or

(c) does bodily harm to another person.

New Sec. 16. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person:

(1) Commits a violent offense against a spouse, an intimate partner or an immediate family member with the intent to threaten or intimidate; or

(2) commits a violent offense against any property, including animals.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person violates a protection order.

(c) Any person subject to this code shall be punished at the direction of a commanding officer if such person ~~assaults a spouse, an intimate partner or an immediate family member by strangling or suffocating~~

New Sec. 17. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person communicates a threat to injure the person, property or reputation of another.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person communicates a threat to injure the person or property of another by use of:

(1) An explosive;

(2) a weapon of mass destruction;

(3) a biological or chemical agent, substance or weapon; or

(4) a hazardous material.

(c) Any person subject to this code shall be punished at the direction of a commanding officer if such person maliciously communicates a false threat concerning the person or property of another by use of:

(1) An explosive;

(2) a weapon of mass destruction;

(3) a biological or chemical agent, substance or weapon; or

(4) a hazardous material.

(d) As used in this section, "false threat" means a threat that, at the time it is communicated, is known to be untrue by the person communicating the threat.

(b) As used in this section, "another person" means a member, cadet, trainee or recruit of the state military forces, the United States armed forces or the state military forces of another state.

commits a violent offense against a spouse, intimate partner or immediate family member of such person.
(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person, with the intent to threaten or intimidate a spouse, intimate partner or immediate family member of such person, commits an offense under this code against

Any person

, with the intent to threaten or intimidate a spouse, intimate partner or immediate family member of such person,

, with the intent to commit a violent offense against a spouse, intimate partner or immediate family member of such person, violates a protection order

1 New Sec. 18. (a) Any person subject to this code is guilty of wrongful
2 distribution of intimate visual images or visual images of sexually explicit
3 conduct and shall be punished at the direction of a commanding officer if
4 such person:

5 (1) Knowingly and wrongfully broadcasts or distributes an intimate
6 visual image of another person or a visual image of sexually explicit
7 conduct involving a person who:

8 (A) Is at least 18 years of age at the time the intimate visual image or
9 visual image of sexually explicit conduct was created;

10 (B) is identifiable from the intimate visual image or visual image of
11 sexually explicit conduct or from information displayed in connection with
12 the intimate visual image or visual image of sexually explicit conduct; and

13 (C) does not explicitly consent to the broadcast or distribution of the
14 intimate visual image or visual image of sexually explicit conduct;

15 (2) Knows or reasonably should have known that the intimate visual
16 image or visual image of sexually explicit conduct was made under
17 circumstances in which the person depicted in the intimate visual image or
18 visual image of sexually explicit conduct retained a reasonable expectation
19 of privacy regarding any broadcast or distribution of the intimate visual
20 image or visual image of sexually explicit conduct;

21 (3) knows or reasonably should have known that the broadcast or
22 distribution of the intimate visual image or visual image of sexually
23 explicit conduct is likely to:

24 (A) Cause harm, harassment, intimidation, emotional distress or
25 financial loss for the person depicted in the intimate visual image or visual
26 image of sexually explicit conduct; or

27 (B) harm substantially the depicted person with respect to that
28 person's health, safety, business, calling, career, financial condition,
29 reputation or personal relations; or

30 (4) engaged in conduct that had a reasonably direct connection to a
31 military mission or military environment.

32 (b) As used in this section:

33 (1) "Broadcast" means to electronically transmit a visual image with
34 the intent that it be viewed by a person or persons.

35 (2) "Distribute" means to deliver to the actual or constructive
36 possession of another person, including transmission by mail or electronic
37 means.

38 (3) "Intimate visual image" means a visual image that depicts the
39 ~~naked or underwear-clad genitalia, anus, buttocks or female areola or~~
40 ~~nipple.~~

41 (4) "Private area" means the naked or underwear-clad genitalia, anus,
42 buttocks or female areola or nipple.

43 (5) "Reasonable expectation of privacy" means circumstances in

private area of a person

1 direction of a commanding officer if such person, in the presence of a
2 court-martial, a board of officers, a military commission, a court of
3 inquiry, a preliminary hearing or an officer taking a deposition for the state
4 of Kansas or the United States, wrongfully refuses to qualify as a witness
5 or to answer a question after having been directed to do so by the presiding
6 authority.

7 New Sec. 23. Any person subject to this code shall be punished at the
8 direction of a commanding officer if such person knows that one or more
9 persons authorized to make searches and seizures are seizing, about to
10 seize or are endeavoring to seize property then destroy, remove or
11 otherwise dispose of the property with the intent to prevent the seizure of
12 such property.

13 New Sec. 24. Any person subject to this code shall be punished at the
14 direction of a commanding officer if such person has reason to believe that
15 an adverse administrative action is pending against any person subject to
16 this code and:
17 (a) Intentionally acts to influence, impede or obstruct the conduct of
18 the proceeding; or

19 (b) acts to obstruct the due administration of justice.

20 New Sec. 25. Any person subject to this code shall be punished at the
21 direction of a commanding officer if such person:

22 (a) Occupies an official position or has official duties; and

23 (b) Wrongfully asks for, accepts or receives something of value with
24 the intent to have the person's decision or action influenced regarding an
25 official matter in which the state of Kansas or the United States is
26 interested.

27 New Sec. 26. Any person subject to this code shall be punished at the
28 direction of a commanding officer if such person:

29 (a) Occupies an official position or has official duties; and

30 (b) Wrongfully asks for, accepts or receives something of value as
31 compensation for or in recognition of services rendered or to be rendered
32 by the person regarding an official matter in which the state of Kansas or
33 the United States is interested.

34 New Sec. 27. (a) Any person subject to this code shall be punished at
35 the direction of a commanding officer if such person, with the knowing
36 intent to defraud and obtain money, property, services or something of
37 value, uses:

38 (1) A stolen credit card, debit card or other access device;

39 (2) a revoked, canceled or otherwise invalid credit card, debit card or
40 other access device; or

41 (3) a credit card, debit card or other access device without the
42 authorization of a person whose authorization is required for such use.
43 (b) As used in this section:

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person:
(1) Wrongfully promises, offers or gives something of value to a person who occupies an official position or has official duties; and
(2) intends to influence the decisions or actions of the person regarding an official matter in which the state of Kansas or the United States is interested.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person promises, offers or gives something of value to a person who occupies an official position or who has official duties as compensation for or in recognition of services rendered by such person regarding an official matter in which the state of Kansas or the United States is interested.

1 (1) "Access device" means the same as defined in 18 U.S.C. § 1029.
 2 (2) "Credit card" and "debit card" mean cards issued on behalf of the
 3 United States government or the state of Kansas or because of the
 4 member's service in the state military forces.

5 New Sec. 28. Any person subject to this code shall be guilty of
 6 extortion and be punished at the direction of a commanding officer if such
 7 person communicates threats to another person with the intention to obtain
 8 something of value or any acquittance, advantage or immunity.

9 New Sec. 29. (a) Any person subject to this code shall be punished at
 10 the direction of a commanding officer if such person, without legal
 11 justification or lawful authorization:

12 (1) Knowingly and wrongfully views the private area of another
 13 person without the other person's consent and when that other person has a
 14 reasonable expectation of privacy;

15 (2) Knowingly photographs, videotapes, films or records by any
 16 means the private area of another person without that other person's
 17 consent and when that other person has a reasonable expectation of
 18 privacy; or

19 (3) knowingly broadcasts or distributes any such recording that the
 20 person knew or reasonably should have known was made under the
 21 circumstances prescribed in paragraphs (1) and (2).

22 (b) Any person subject to this code shall be punished at the direction
 23 of a commanding officer and is guilty of forcible pandering if such person
 24 compels another person to engage in an act of prostitution with any person.

25 (c) Any person subject to this code shall be punished at the direction
 26 of a commanding officer and is guilty of indecent exposure if such person
 27 intentionally exposes, in an indecent manner, the genitalia, anus, buttocks
 28 or female areola or nipple.

29 (d) In this section:
 30 (1) "Act of prostitution" means a sexual act or sexual contact as
 31 defined in UCMJ 120 and where the person performing the act receives
 32 something of value in return.

33 (2) "Another person" or "other person" means a member of the state
 34 military forces, the United States armed forces, the state military forces
 35 from another state, a cadet, a candidate, a trainee or a recruit.

36 (3) "Broadcast" means to electronically transmit a visual image with
 37 the intent that it be viewed by a person or persons.

38 (4) "Distribute" means to deliver to the actual or constructive
 39 possession of another, including transmission by electronic means.

40 (5) "Indecent manner" means conduct that amounts to a form of
 41 immorality relating to sexual impurity that is vulgar, obscene and
 42 repugnant to common propriety and tends to excite sexual desire or
 43 deprave morals with respect to sexual relations.

article

grossly

1 New Sec. 33. ~~"The provisions of this code are severable. If any~~
 2 ~~portion of the code is declared unconstitutional or invalid, or the~~
 3 ~~application of any portion of the code to any person or circumstance is~~
 4 ~~held unconstitutional or invalid, the invalidity shall not affect other~~
 5 ~~portions of the code that can be given effect without the invalid portion or~~
 6 ~~application, and the applicability of such other portions of the code to any~~
 7 ~~person or circumstance shall remain valid and enforceable."~~

8 Sec. 34. K.S.A. 48-2101 is hereby amended to read as follows: 48-
 9 2101. In this act, unless the context otherwise requires:

10 (1) "State military forces" means the national guard of the state, as
 11 defined in ~~section 101 (3) of title 32; of the United States Code, and any~~
 12 other military force organized under the laws of the state when not in a
 13 status ~~subjecting the state military forces to exclusive federal jurisdiction~~
 14 ~~under title 10 of chapter 47 of the United States Code. The unorganized~~
 15 ~~militia, state defense force, state national guard, home guard or any other~~
 16 ~~name of any state force that does not meet this definition shall be part of~~
 17 ~~the state military forces under this code.~~

18 (2) "Officer" means both a commissioned or warrant officer.

19 (3) "Commanding officer" includes only commissioned officers of
 20 the state military forces and shall include officers in charge only when
 21 administering nonjudicial punishment under K.S.A. 48-2301, and
 22 amendments thereto. The term "commander" has the same meaning as
 23 "commanding officer" unless otherwise noted.

24 (4) "Superior commissioned officer" means a commissioned officer
 25 superior in rank or command.

26 (5) "Enlisted member" means ~~any~~ a person serving in an enlisted
 27 grade.

28 (6) "Grade" means a step or degree, in a graduated scale of office or
 29 military rank, that is established and designated as a grade by law or
 30 regulation.

31 (7) "Rank" means the order of precedence among members of the
 32 state military forces.

33 (8) "Active state active duty" means full-time duty in the active state
 34 military ~~service of the state forces~~ under an order of the governor issued
 35 under authority vested in the governor by law, ~~performance of regular~~
 36 ~~duties by technicians, regularly scheduled drills and other legally entitled~~
 37 ~~assemblies and paid for by state funds, including travel to and from such~~
 38 ~~duty.~~

39 (9) "Duty status other than state active duty" ~~includes active state~~
 40 ~~duty and means any other type of state military duty not in federal~~
 41 ~~service and not full-time duty in the active service of the state, under an~~
 42 ~~order issued by authority of law, including travel to and from such duty.~~
 43 ~~(10) "Military court" means a court-martial, a court of inquiry, or a~~

Strike quotation marks in Lines 1 and 7

New Sec. 34. Any person subject to this code shall be punished at the direction of a commanding officer if such person willfully disobeys a lawful command of such person's superior commissioned officer.

Remember sections accordingly

1 ~~protest court.~~

2 ~~(11) "Military judge" means an official of a general or special court-~~
3 ~~marial detailed in accordance with this code.~~

4 ~~(12)(10) "Judge advocate general" means the commissioned officer~~
5 ~~responsible for supervising the administration of the military justice in the~~
6 ~~state military forces.~~

7 ~~(13)(11) "Accuser" means a person who signs and swears to charges,~~
8 ~~any person who directs that charges nominally be signed and sworn to by~~
9 ~~another, and any person who has an interest other than an official interest~~
10 ~~in the prosecution of the accused.~~

11 ~~(14)(12) "Military" refers to any or all of the armed forces.~~

12 ~~(15) "Convening authority" includes, in addition to the person who~~
13 ~~convened the court, a commissioned officer commanding for the time-~~
14 ~~being, or a successor in command.~~

15 ~~(16)(13) "May" is used in a permissive sense. The words "no person~~
16 ~~may ..." means that no person is required, authorized, or permitted to do~~
17 ~~the act prescribed.~~

18 ~~(17)(14) "Shall" is used in an imperative, mandatory sense.~~

19 ~~(18)(15) "Code" means this act or the Kansas code of military justice.~~

20 ~~(19)(16) "Hostile force Enemy" means enemy any hostile force~~
21 ~~designated as such by the United States, designated terrorist group or~~
22 ~~organized group designated by the proper civil authority that causes or~~
23 ~~perpetuates an insurrection against the United States or state of Kansas,~~
24 ~~rioters, looters, dissidents, and others opposing or interfering with law and~~
25 ~~order.~~

26 ~~(20)(17) "Judge advocate" means: a commissioned officer of the~~
27 ~~organized state military forces who is a member in good standing of the~~
28 ~~state bar of Kansas and is:~~

29 ~~(a) An officer of the Certified or designated as a judge advocate in~~
30 ~~the judge advocate general's corps of the army or the navy, marine corps~~
31 ~~or space force, or of the state military forces designated as a law specialist~~
32 ~~and as an officer of the coast guard or a reserve component of the armed~~
33 ~~forces; or~~

34 ~~(b) an officer of the air force or the marine corps who is designated as~~
35 ~~a certified as a non-federally recognized judge advocate under~~
36 ~~regulations promulgated under this provision by the state judge advocate~~
37 ~~or a designee as competent to perform such military justice duties~~
38 ~~required by this code; or~~

39 ~~(c) an officer of the coast guard who is designated as a law specialist;~~
40 ~~(21) "Record," when used in connection with the proceedings of a~~
41 ~~court-martial, means:~~

42 ~~(a) An official written transcript, written summary or other writing~~
43 ~~relating to the proceedings; or~~

State

judge advocate appointed by the
adjutant general who is

, overseeing and managing all legal
personnel and services of the state
military forces and military legal matters
therein and for the administration of
military justice

Strike the colon in line 26

air force,

1 ~~(b)~~—No person who has deserted from the state military forces may be
 2 relieved from amenability to the jurisdiction of this code by virtue of a
 3 separation from any later period of service.
 4 ~~(c)~~~~(b)~~ The fact that any person charged with an offense under this
 5 code is separated from the service while proceedings are pending or while
 6 undergoing sentence shall not affect the jurisdiction of any ~~court-martial~~
 7 ~~proceeding~~.

8 Sec. 37. K.S.A. 48-2105 is hereby amended to read as follows: 48-
 9 2105. (a) This code applies ~~throughout the state to all times and places,~~
 10 ~~provided that the person subject to the code is in a duty status or subject to~~
 11 ~~this code under Article 2 of the KCMJ. This grant of military jurisdiction~~
 12 ~~shall neither preclude nor limit civilian jurisdiction over an offense,~~
 13 ~~limited only by the prohibition of double jeopardy. It also applies to all~~
 14 ~~persons otherwise subject to this code while they are serving outside the~~
 15 ~~state, and while they are going to and returning from such service outside~~
 16 ~~the state, in the same manner and to the same extent as if they were~~
 17 ~~serving inside the state.~~

18 ~~(b)~~—~~Courts-martial~~ *Nonjudicial punishment may be convened* and
 19 courts of inquiry may be convened and held in units of the state military
 20 forces while those units are serving outside the state with the same
 21 jurisdiction and powers as to persons subject to this code as if the
 22 proceedings were held inside the state, and offenses committed outside the
 23 state may be tried and punished either inside or outside the state.

24 Sec. 38. K.S.A. 48-2106 is hereby amended to read as follows: 48-
 25 2106. (a) ~~The governor, on the recommendation of the adjutant general,~~
 26 ~~shall appoint an officer of the state military forces as staff judge-advocate~~
 27 ~~general advocates in each component of the state's military forces or such~~
 28 ~~judge advocate's designee shall make frequent inspections in the field~~
 29 ~~under the supervision of the administration of military justice in that force.~~
 30 ~~To be eligible for appointment, an officer must be a member of the bar of~~
 31 ~~the highest court of the state and must have been a member of the bar of~~
 32 ~~the state for at least five (5) years.~~

33 ~~(b)~~—~~The adjutant general may appoint as many assistants to the judge~~
 34 ~~advocate general as he or she considers necessary who shall be designated~~
 35 ~~assistant judge advocates. To be eligible for appointment, assistant judge~~
 36 ~~advocates must be officers of the state military forces and members of the~~
 37 ~~bar of the highest court of the state.~~

38 ~~(c)~~—~~Convening authorities~~~~(b)~~ *Commanding officers* shall at all times
 39 communicate directly with their staff judge advocates in matters relating to
 40 the administration of military justice; ~~and the staff~~ *The* judge advocate of
 41 any command is entitled to communicate directly with the staff judge
 42 advocate of a superior or subordinate command, or with the judge
 43 advocate general.

K.S.A. 48-2102, and amendments thereto

state

1 the reduction of any officer subordinate to the one who imposes the
2 reduction;

3 ~~(7) extra duties, including fatigue or other duties, for not more than
4 14 days, which need not be consecutive; and~~

5 ~~(8) restriction to certain specified limits, with or without suspension
6 from duty, for not more than 14 days, which need not be consecutive, but
7 the officer imposing the reduction need not have actual authority to
8 promote the member on whom the reduction is imposed.~~

9 ~~(c) Any field-grade commanding officer of the grade of O-4, or
10 above, or an officer of a general or flag rank in command may in addition
11 to or in lieu of admonition or reprimand, after holding a hearing in which
12 the accused is entitled to be present, impose not more than three of the
13 following disciplinary punishments upon enlisted members of the officer's
14 command:~~

15 ~~(1) Any punishment authorized in subsections (b)(1), (2) and (3)
16 Withholding of privileges for not more than two consecutive weeks;~~

but not to exceed two hours per day, holidays
included

17 ~~(2) extra duties for not more than two consecutive weeks;~~
18 ~~(2)(3) the forfeiture of not more than $\frac{1}{2}$ of one month's pay per month
19 for two months 30 days' pay;~~

20 ~~(3)(4) a fine of not more than one month's 30 days' pay; or~~

21 ~~(4)(5) a reduction to the lowest or any intermediate pay grade, if the
22 grade from which demoted is within the promotion authority of the officer
23 imposing the reduction or any officer subordinate to the one who imposes
24 the reduction, but the officer imposing the reduction need not have actual
25 authority to promote the member on whom the reduction is imposed. An
26 enlisted member in a pay grade above E-4 may not be reduced more than
27 two pay grades;~~

28 ~~(5) extra duties, including fatigue or other duties, for not more than
29 45 days, which need not be consecutive; and~~

30 ~~(6) restriction to certain specified limits, with or without suspension
31 from duty, for not more than 60 days, which need not be consecutive.~~

32 ~~(d) The governor, the adjutant general, an officer exercising general
33 court-martial convening authority or an officer of a general or flag rank in
34 command may in addition to or in lieu of admonition or reprimand, after
35 a hearing in which the accused is entitled to be present, impose any of the
36 following disciplinary punishments upon officers of the officer's command:~~

37 ~~(1) Upon officers of the officer's command, any punishment
38 authorized in subsections (e)(1), (2), (3) and (6) and arrest in quarters for
39 not more than 30 days, which need not be consecutive Withholding
40 privileges for not more than two consecutive weeks; and~~

41 ~~(2) upon enlisted members of the officer's command, any punishment
42 authorized in subsection (e) the forfeiture of not more than 30 days' pay;
43 and~~

1 48-2301, 48-2503, 48-2505, 48-2702, 48-2801, 48-3001 to 48-3042
 2 through 48-3044, ~~in~~ ~~these~~ and 48-3103 to through 48-3105, ~~in~~ ~~these~~, as
 3 well as those required sections of the United States code of military
 4 justice, shall be carefully explained to every enlisted member at the time of
 5 the member's enlistment or transfer or induction into the state military
 6 forces or within ~~thirty~~ (30) days thereafter. ~~They~~ Such provisions shall also
 7 be explained annually to each unit of the state military forces. A complete
 8 text of this code and of the regulations prescribed by the governor
 9 thereunder shall be made available to any member of the state military
 10 forces, upon the member's request, for ~~this or~~ ~~her~~ such member's personal
 11 examination.

12 Sec. 95. K.S.A. 48-3104 is hereby amended to read as follows: 48-
 13 3104. (a) Any member of the state military forces who believes ~~himself or~~
 14 ~~herself~~ such member was wronged by the ~~member's~~ commanding officer,
 15 and who, upon due application to that commanding officer, is refused
 16 redress, may complain to any superior commissioned officer, who shall
 17 forward the complaint to the ~~governor or adjutant general~~ first general in
 18 the member's chain of command. Such general officer shall investigate the
 19 complaint and take proper measures for redressing the wrong. The first
 20 general in the member's chain of command shall, as soon as possible, send
 21 to the adjutant general a true statement of the complaint with an
 22 explanation of the proceedings held thereon.

23 (b) An alleged wrong is inappropriate for redress under this section
 24 when other adequate processes exist to address the wrong alleged in the
 25 complaint. An action is an inappropriate matter for resolution when:

26 (1) Review is provided specifically by the code;

27 (2) such matter is taken under the recommendation of an
 28 administrative board authorized by policy, regulation or instruction at
 29 which the complainant was afforded substantially the rights of a
 30 respondent; or

31 (3) service policy, regulation or instruction specifically authorizes an
 32 administrative appeal or similar redress for such matter.

33 Sec. 96. K.S.A. 48-3105 is hereby amended to read as follows: 48-
 34 3105. (a) Whenever complaint is made to any commanding officer that
 35 willful damage has been done to the property of any person or that the
 36 person's property has been wrongfully taken by members of the state
 37 military forces, the person may, subject to such regulations as the governor
 38 may prescribe, convene a board to investigate the complaint. The board
 39 shall consist of from one to three commissioned officers and, for the
 40 purpose of that investigation, it has power to summon witnesses and
 41 examine them upon oath or affirmation, to receive depositions or other
 42 documentary evidence, and to assess the damages sustained against the
 43 responsible parties. The assessment of damages made by the board is

