

48-2401. (KCMJ Art. 16) Courts-martial classified. (a) In the state military forces not in federal service, there are general, special and summary courts-martial constituted like similar courts of the armed forces of the United States. Such state military courts have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures provided for those courts of the armed forces of the United States.

(b) The three kinds of courts-martial are:

(1) General courts-martial consisting of:

(A) A military judge and not less than five members; or

(B) only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing a court composed only of a military judge and the military judge approves.

(2) Special courts-martial consisting of:

(A) Not less than three members;

(B) a military judge and not less than three members; or

(C) only a military judge, if one has been detailed to the court, and the accused, under the same conditions as those prescribed in subsection (b)(1)(B), so requests.

(3) Summary courts-martial, consisting of one commissioned officer.

History: L. 1972, ch. 203, § 48-2401; L. 1988, ch. 191, § 11; July 1.