

48-3102. (KCMJ Art. 136) Authority to administer oaths and act as notary. (a) The following members of the state military forces, while attending unit training assemblies or annual training or while performing active state duty or otherwise under orders of the governor, may administer oaths for the purposes of military administration, including military justice, and have the general powers of a notary public in the performance of all notarial acts to be executed by members of the state military wherever they may be, by persons serving with, employed by or accompanying the state military forces outside the state, and by other persons subject to this code outside of the state:

- (1) The state judge advocate general and all assistant judge advocates;
- (2) all summary courts-martial;
- (3) all adjutants, assistant adjutants, acting adjutants and personnel adjutants;
- (4) all commanding officers; and
- (5) all staff judge advocates and legal officers and acting or assistant staff judge advocates and legal officers.

(b) The following persons while attending unit training assemblies or annual training, while performing active state duty or otherwise under orders of the governor may administer oaths necessary in the performance of their duties:

- (1) The president, military judge, trial counsel and assistant trial counsel for all general or special courts-martial;
- (2) the president and the counsel for the court of any court of inquiry;
- (3) all officers designated to take a deposition;
- (4) all persons detailed to conduct an investigation; and
- (5) all other persons designated by regulations of the governor.

(c) No fee may be paid to or received by any person for the performance of any notarial act herein authorized. The signature without seal of any such person, together with the title of the person's office, is prima facie evidence of his or her authority.

History: L. 1972, ch. 203, § 48-3102; L. 1988, ch. 191, § 61; July 1.