

**HOUSE BILL No. 2392**

By Committee on Veterans and Military

2-10

Proposed Amendments to HB 2392  
for Committee on Veterans and  
Military  
February 16, 2023  
Prepared by the Office of Revisor of  
Statutes

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-  
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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-  
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19 2707, 48-2710, 48-2711, 48-2712, 48-2713, 48-2714, 48-2715, 48-  
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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

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

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

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

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

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

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

- (A) Whether to uphold or reverse any finding of guilt; and
- (B) Whether to uphold, mitigate or reduce any punishment.

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

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

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

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

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

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

- (1) ~~A person who is a member of the armed forces;~~
- (2) In a training leadership position with respect to a specially protected junior member of the armed forces; and

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

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

- (1) A military recruiter and engage in prohibited sexual activity with an applicant for military service;
- (2) a military recruiter and engage in prohibited sexual activity with a specially protected member of the armed forces who is enlisted under a

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

(2) engages

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

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 other 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:

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

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

would be  
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

1 appropriate authorities.

2 New Sec. 14. Any person subject to this code shall be punished at the  
3 direction of a commanding officer if such person willfully and wrongfully:  
4 (a) Discharges or brandishes a firearm under any circumstances that  
5 endanger a human life; or

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

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

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

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

13 (c) does bodily harm to another person.

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

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

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

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

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

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

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

30 (1) An explosive;

31 (2) a weapon of mass destruction;

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

33 (4) a hazardous material.

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

37 (1) An explosive;

38 (2) a weapon of mass destruction;

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

40 (4) a hazardous material.

41 (d) As used in this section, "false threat" means a threat that, at the  
42 time it is communicated, is known to be untrue by the person  
43 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

an offense under this code against any person

an offense under this code

, 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 (a)  
23 (b) wrongfully asks for, accepts or receives something of value with (1)  
24 the intent to have the person's decision or action influenced regarding an (2)  
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 (a)  
30 (b) wrongfully asks for, accepts or receives something of value as (1)  
31 compensation for or in recognition of services rendered or to be rendered (2)  
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

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 ~~mental detailed in accordance with this code.~~

4 ~~(12)(10) "Judge advocate general" means the commissioned officer~~  
5 ~~responsible for supervising the administrator 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 matters  
therein and for the administration of  
military justice

air force,

~~(b)~~—No person who has deserted from the state military forces may be relieved from amenability to the jurisdiction of this code by virtue of a separation from any later period of service.

~~(c)(b)~~ The fact that any person charged with an offense under this code is separated from the service while proceedings are pending or while undergoing sentence shall not affect the jurisdiction of any court-martial proceeding.

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

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

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

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

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

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

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;~~

17 ~~(2) extra duties for not more than two consecutive weeks;~~  
18 ~~(2)(3) the forfeiture of not more than 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 denoted 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*

and not to exceed two hours per day, holidays  
included

1 48-2301, 48-2503, 48-2702, 48-2801, 48-3001 ~~to 48-3042~~  
 2 ~~through 48-3044, inclusive; and 48-3103 to through 48-3105, inclusive;~~ 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 ~~his 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 ~~himself~~ 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

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