

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2118

7 By: Kannady

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to militia; amending 44 O.S. 2021,
10 Section 21, which relates to the establishment of the
11 Oklahoma Military Department; modifying Adjutant
12 General's duties; amending 44 O.S. 2021, Section 24;
13 which relates to the appointment and eligibility of
14 the Adjutant General; modifying eligibility
15 requirements; amending 44 O.S. 2021, Section 25,
16 which relates to the rank of the Adjutant General;
17 adding a compensation guideline; amending 44 O.S.
18 2021, Section 26, which relates to authority and
19 duties of the Adjutant General; adding authority to
20 arm members; adding ability to accept donations for
21 Oklahoma National Guard programs; adding authority as
22 chief over the fire protection and police units under
23 the Oklahoma Military Departments; amending Section
24 1, Chapter 74, O.S.L. 2022 (44 O.S. Supp. 2024,
Section 233.10a), which relates to the Oklahoma
Military Department technology hardware or software;
exempting federal programs from Information Services
Division requirements; amending 44 O.S. 2021, Section
243, which relates to the rules and regulations over
the Oklahoma Military Department; modifying a
compensation regulation; amending 44 O.S. 2021,
Section 815, which relates to the exercise of
nonjudicial punishment; modifying certain titles;
amending 44 O.S. 2021, Section 821, which relates to
convening of court-martial; establishing guidelines
for convening of court-martial by federal officials;
amending 44 O.S. 2021, Section 875, which relates to
restoration under a court-martial sentence; modifying
Governor's authority to reappoint a dismissed officer

1 or member; establishing procedure for pay eligibility
2 during court-martial sentence; amending 44 O.S. 2021,
3 Section 905, which relates to forger; establishing
4 definition and penalty for forgery; amending 44 O.S.
5 2021, Section 912, which relates to drunkenness and
6 other incapacitation offenses; modifying references;
7 amending 44 O.S. 2021, Section 912a, which relates to
8 wrongful use and possession of a controlled
9 substance; prohibiting the use of marijuana by
10 Oklahoma military forces; amending 44 O.S. 2021,
11 Section 928b, which relates to domestic violence;
12 establishing penalties for spousal abuse and intimate
13 partner violence by members of the Oklahoma Militia;
14 amending 44 O.S. 2021, Section 934, which relates to
15 general offenses; encompassing all specifically
16 enumerated offenses in Section 934 of Title 10 of the
17 United States Code; amending 44 O.S. 2021, Section
18 937, which relates to the explanation of articles;
19 modifying timeframe to explain articles; adopting the
20 Manual for Courts-Martial, United States, as the
21 Oklahoma State Manual for Courts-Martial;
22 establishing the "Benajmin T. Walkingstick National
23 Guard Complex" building; repealing 44 O.S. 2021,
24 Section 940b, which relates to military publications;
establishing guidelines for convening of court
martial by federal officials; providing for
codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 44 O.S. 2021, Section 21, is
amended to read as follows:

Section 21. The Military Department of the State of Oklahoma is
hereby established and shall be under the command and control of the
Governor as Commander in Chief, with the Adjutant General as the
executive and administrative head thereof. The Military Department
shall be constituted of the state military forces, as defined by

1 Section 801 of this title, and is hereby organized into a joint
2 headquarters which shall be identified as the joint forces
3 headquarters. The joint forces headquarters shall be jointly
4 staffed by Army National Guard and Air National Guard personnel who,
5 under the authority and direction of the Adjutant General, shall
6 support and assist the Adjutant General in the exercise of command
7 and control over state military forces when not activated for
8 federal duty under Title 10 of the United States Code. There shall
9 be assigned to the joint ~~force~~ forces headquarters, officers,
10 enlisted personnel, and civilian employees as may be considered
11 necessary by the Governor as Commander in Chief and ~~as may be~~
12 ~~authorized by law and Army National Guard regulations and Air~~
13 ~~National Guard regulations~~ the Adjutant General.

14 SECTION 2. AMENDATORY 44 O.S. 2021, Section 24, is
15 amended to read as follows:

16 Section 24. A. The Adjutant General shall be appointed by the
17 Governor, by and with the advice and consent of the Oklahoma State
18 Senate, and shall serve at the pleasure of the Governor.

19 B. To be eligible to hold the office of Adjutant General of
20 this state, at the time of appointment, the appointee:

21 1. Shall be a federally recognized and currently serving as a
22 colonel or higher ranking officer of the Oklahoma National Guard ~~and~~
23 ~~of the National Guard of the United States~~ for no less than three
24 (3) years of service in the Oklahoma National Guard;

1 2. Shall possess at least the rank of Colonel; and

2 3. If not already a general officer, shall be eligible for a
3 Certificate of Eligibility pursuant to federal law and applicable
4 regulations issued by the Chief of the National Guard Bureau.

5 ~~C. If the Oklahoma National Guard is in active federal service
6 and no persons having the qualifications required in subsection B of
7 this section are available within the state, then the Governor may
8 appoint, subject to the advice and consent of the Senate, any
9 suitably qualified person who at any time in the preceding ten (10)
10 years would have been qualified, as above, and who has served at
11 least two (2) years in active federal service in the grade of
12 Colonel or higher.~~

13 SECTION 3. AMENDATORY 44 O.S. 2021, Section 25, is
14 amended to read as follows:

15 Section 25. A. The Adjutant General shall have the rank of
16 Major General and devote full time to the duties of the office.
17 Regardless of whether or not the Adjutant General has been
18 recognized federally at the rank of Major General at the time of
19 appointment by the Governor, the Adjutant General shall be
20 compensated at the same rate of pay afforded to a Major General
21 serving on federal Title 10 active duty with the same time in
22 service.

23 B. The Governor may appoint Assistant Adjutants General for
24 Army and Assistant Adjutants General for Air to assist the Adjutant

1 General in the discharge and performance of his or her duties. When
2 appointing Assistant Adjutants General, the Governor shall take into
3 consideration the number of such positions contemplated or
4 recommended by the National Guard Bureau for manning the joint
5 forces headquarters of a state. Such Assistant Adjutants General
6 shall have the qualifications prescribed by law for the Adjutant
7 General and shall have the rank of Brigadier General. The Assistant
8 Adjutants General appointed by the Governor shall be considered
9 staff officers and not commanders except that, in the discretion of
10 the Adjutant General, specific command or supervisory authority may
11 be delegated by the Adjutant General to an Assistant Adjutant
12 General but such delegation shall be accomplished in writing and
13 shall be considered a military publication, as defined in Section
14 801 of this title (Article 1).

15 C. Other general officers assigned to billets within the state
16 military forces, including certain billets within the joint forces
17 headquarters, shall be considered staff officers and not commanders
18 except that, in the discretion of the Adjutant General, specific
19 command or supervisory authority may be delegated by the Adjutant
20 General to such general officers, but such delegation shall be
21 accomplished in writing and shall be considered a military
22 publication, as defined in Section 801 of this title (Article 1).

23 D. The Adjutant General may employ a state employee in the
24 position of Executive Assistant and Programs Manager for the

1 Military Department of the state. Said position shall be
2 unclassified and exempt from the Oklahoma Personnel Act and the
3 Merit Rules for Employment, except leave regulations.

4 SECTION 4. AMENDATORY 44 O.S. 2021, Section 26, is
5 amended to read as follows:

6 Section 26. A. The Adjutant General shall be in control of the
7 Military Department of the State of Oklahoma, subordinate only to
8 the Governor. Within the limitations and under the provisions of
9 law, he or she shall supervise and direct the Oklahoma National
10 Guard within the service of the state and when under state control
11 in all of its organization, training and other activities; shall
12 receive and give effect to the orders of the Governor; and shall
13 perform such other military and defense duties, not otherwise
14 assigned by law, as the Governor may prescribe. The Adjutant
15 General shall have the authority to arm members of the state
16 military forces on military installations and other places under the
17 control of the Military Department with weaponry as the Adjutant
18 General deems necessary to adequately provide for the security of
19 the facilities and their occupants.

20 B. The Adjutant General, when absent from the state, may
21 temporarily delegate any authority vested under this title and any
22 such duties as an agency appointing authority to an Assistant
23 Adjutant General, other state officer or employee within the
24 Military Department of the State of Oklahoma. Such temporary

1 delegations of authority pursuant to this subsection shall be
2 accomplished in writing. The Adjutant General may also promulgate
3 regulations providing for the delegation of any such authority.

4 C. The Adjutant General shall develop, publish and maintain an
5 organizational chart depicting the chain of command between the
6 Adjutant General and the major commands of the Oklahoma National
7 Guard. Besides the major commands defined in Section 801 of this
8 title (Article 1), the Adjutant General, in his or her discretion,
9 may designate other military units within the Oklahoma National
10 Guard as major commands.

11 D. The organizational chart required in subsection C of this
12 section shall be updated no less than annually and shall include all
13 enlisted and officer billets assigned to joint forces headquarters
14 and shall depict all existing command relationships established by
15 the Adjutant General within joint forces headquarters. The
16 organizational chart required herein shall not be considered a
17 military publication within the meaning of Section 801 of this title
18 (Article 1).

19 E. In accordance with all relevant requirements of the United
20 States Army, the United States Air Force or the National Guard
21 Bureau, the Adjutant General shall develop, publish and maintain an
22 enlisted and officer rating scheme for all enlisted and officer
23 billets assigned to joint forces headquarters. The rating scheme
24

1 required herein shall not be considered a military publication
2 within the meaning of Section 801 of this title (Article 1).

3 F. Pursuant to the rules established by the Adjutant General,
4 the Military Department of the State of Oklahoma is authorized to
5 expend appropriated and nonappropriated funds to enhance recruiting
6 and retention efforts for the Oklahoma National Guard.

7 G. The Adjutant General may establish rules allowing the
8 Military Department of the State of Oklahoma to accept donations and
9 bequests to create a program for the benefit of members of the
10 Oklahoma National Guard.

11 H. The Adjutant General shall serve as the chief of all fire
12 protection units operating under the Oklahoma Military Department
13 and shall supervise and administer the fire protection units in
14 accordance with the rules and procedures prescribed by the Military
15 Department.

16 I. The Adjutant General shall serve as the chief of all police
17 units and officers appointed under the Oklahoma Military Department.
18 The Adjutant General may appoint police officers in accordance with
19 Section 230 of this title.

20 SECTION 5. AMENDATORY Section 1, Chapter 74, O.S.L. 2022
21 (44 O.S. Supp. 2024, Section 233.10a), is amended to read as
22 follows:

23 Section 233.10a. The Military Department of the State of
24 Oklahoma may purchase information technology including, but not

1 limited to, computer hardware or software, or any services related
2 to software development, software modifications, or any other
3 services related to the operation and maintenance of computer
4 hardware or software or both, independently and without prior
5 approval from the Office of Management and Enterprise Services
6 Information Services Division. All federal programs managed by the
7 Military Department of the State of Oklahoma shall be exempt from
8 any and all Information Services Division requirements.

9 SECTION 6. AMENDATORY 44 O.S. 2021, Section 243, is
10 amended to read as follows:

11 Section 243. A. The Governor is hereby authorized to prescribe
12 rules and regulations governing the enlistment, organization,
13 administration, equipment, discipline and discharge of the personnel
14 of such military forces; to requisition from the Secretary of
15 Defense such arms and equipment as may be in the possession of and
16 can be spared by the Department of Defense and to extend thereto the
17 facilities of state armories, Armed Forces Reserve Centers,
18 readiness centers, logistics, aviation, and training facilities,
19 warehouses and their equipment and such other state premises and
20 property as may be available for the purpose of drill and
21 instruction. ~~Insofar as applicable the procedure for the~~
22 ~~enlistment, organization, pay, maintenance, equipment and~~
23 ~~disciplining of such forces shall be in conformity with the law and~~
24 ~~the rules and regulations governing and pertaining to the National~~

1 ~~Guard; provided, that the officers and enlisted personnel in the~~
2 ~~Oklahoma State Guard shall not receive any compensation or monetary~~
3 ~~allowances from the state except when activated for state active~~
4 ~~duty, as defined in Section 801 of this title, by order of the~~
5 ~~Governor.~~

6 B. Members of the Oklahoma State National Guard shall be
7 considered part of state military forces as defined in Section 801
8 of this title and shall be subject to the Oklahoma Uniform Code of
9 Military Justice.

10 C. When prescribing the rules and regulations governing
11 enlistment, organization, administration, equipment, discipline and
12 discharge of the personnel of the Oklahoma ~~State~~ National Guard, the
13 Governor shall issue such rules and regulations in the form of an
14 executive order or in a series of such orders. An executive order
15 or a series of such orders prescribing the rules and regulations
16 governing enlistment, organization, administration, equipment,
17 discipline and discharge of the personnel of the Oklahoma ~~State~~
18 National Guard shall also be published by the Adjutant General as a
19 military publication.

20 SECTION 7. AMENDATORY 44 O.S. 2021, Section 815, is
21 amended to read as follows:

22 Section 815. ARTICLE 15. Commanding officer's nonjudicial
23 punishment.

24

1 A. Except as provided in subsection B of this section, any
2 commanding officer ~~and, for purposes of this section, any officer in~~
3 ~~charge,~~ may impose disciplinary punishments for minor offenses
4 arising under the punitive articles of the Oklahoma Uniform Code of
5 Military Justice without the intervention of a court-martial.

6 B. Any ~~superior commander~~ commanding officer may limit or
7 withhold the exercise of nonjudicial punishment authority by
8 subordinate commanders, including limiting authority over certain
9 categories of military personnel or offenses. Likewise, individual
10 cases may be reserved by a superior commander. A superior authority
11 may limit or withhold any power that a subordinate might otherwise
12 exercise under this section.

13 C. Except as provided in subsection L of this section, the
14 Governor or Adjutant General may delegate the powers established
15 under this section to a ~~senior~~ commanding officer who is a member of
16 the state military forces and is also a member of the same force
17 component as the accused.

18 D. ~~Any~~ Except as provided in subsection S of this section, any
19 commanding officer may impose upon enlisted members of the officer's
20 command:

- 21 1. An admonition;
- 22 2. A reprimand;
- 23 3. The withholding of privileges for not more than six (6)
24 months which need not be consecutive;

1 4. The forfeiture of pay of not more than seven (7) days' pay;

2 5. A fine of not more than seven (7) days' pay;

3 6. A reduction to the next inferior pay grade, if the grade
4 from which demoted is within the promotion authority of the officer
5 imposing the reduction or any officer subordinate to the one who
6 imposes the reduction;

7 7. Extra duties, including fatigue or other duties, for not
8 more than fourteen (14) days, which need not be consecutive; and

9 8. Restriction to certain specified limits, with or without
10 suspension from duty, for not more than fourteen (14) days, which
11 need not be consecutive.

12 E. Any Except as provided in subsection S of this section, any
13 commanding officer of the grade of major or above may impose upon
14 enlisted members of the officer's command:

15 1. An admonition;

16 2. A reprimand;

17 3. The withholding of privileges for not more than six (6)
18 months which need not be consecutive;

19 4. The forfeiture of not more than one-half (1/2) of one (1)
20 month's pay per month for two (2) months;

21 5. A fine of not more than one (1) month's pay;

22 6. A reduction to the lowest or any intermediate pay grade, if
23 the grade from which demoted is within the promotion authority of
24 the commanding officer imposing the reduction or any officer

1 subordinate to the one who imposes the reduction, but an enlisted
2 member in a pay grade above E-4 shall not be reduced more than two
3 pay grades;

4 7. Extra duties, including fatigue or other duties, for not
5 more than forty-five (45) days which need not be consecutive; and

6 8. Restriction to certain specified limits, with or without
7 suspension from duty, for not more than sixty (60) days which need
8 not be consecutive.

9 F. The Governor, the Adjutant General, or an officer exercising
10 general or special court-martial convening authority may impose:

11 1. Upon officers of the officer's command:

12 a. any punishment authorized in subsection E of this
13 section, except for the punishments provided in
14 paragraphs 6 and 7 of subsection E of this section,
15 and

16 b. arrest in quarters for not more than thirty (30) days
17 which need not be consecutive; and

18 2. Upon enlisted members of the officer's command, any
19 punishment authorized in subsection E of this section.

20 Admonitions or reprimands given as nonjudicial punishment to
21 commissioned officers and warrant officers shall be administered in
22 writing. In all other cases, unless otherwise prescribed by
23 regulations promulgated by the Adjutant General, such punishments
24 may be administered either orally or in writing.

1 G. Whenever any punishments are combined to run consecutively,
2 the total length of the combined punishment shall not exceed the
3 authorized duration of the longest punishment included in the
4 combination, and there shall be an apportionment of punishments so
5 that no single punishment in the combination exceeds its authorized
6 length under this section.

7 H. Once the ~~commander~~ commanding officer has determined that
8 nonjudicial punishment is appropriate, the ~~commander~~ commanding
9 officer shall provide reasonable notice to the member of his or her
10 intent to impose nonjudicial punishment. At the time the ~~commander~~
11 commanding officer provides notification as required in this
12 subsection, the member shall be entitled to examine all statements
13 and other evidence that the commander has examined and intends to
14 rely upon as the basis for punishment. The member shall be provided
15 a copy of the documentary evidence unless it is privileged,
16 classified, or otherwise restricted by law, regulation, or
17 instruction. At the time the ~~commander~~ commanding officer provides
18 notification as required in this subsection, the ~~commander~~
19 commanding officer shall also inform the member as to the quantum of
20 punishment potentially to be imposed. While a member undergoing
21 nonjudicial punishment is not entitled to representation by a duly
22 appointed defense counsel, the member may seek legal advice from any
23 judge advocate available for this purpose. Upon notification by the
24 officer of his or her intent to impose judicial punishment, the

1 member shall provide a response within forty-five (45) calendar
2 days.

3 I. The right to demand trial by court-martial in lieu of
4 nonjudicial punishment shall arise only when arrest in quarters or
5 restriction will be considered as punishments. If the commanding
6 officer determines that arrest in quarters or restriction will be
7 considered as punishments, prior to the offer of nonjudicial
8 punishment the ~~accused~~ member shall be notified in writing of the
9 right to demand trial by court-martial. Should the commanding
10 officer determine that the punishment options will not include
11 arrest in quarters or restriction, the ~~accused~~ member shall be
12 notified that there is no right to trial by court-martial in lieu of
13 nonjudicial punishment. Upon notification by the ~~commander or~~
14 ~~officer in charge~~ commanding officer of his or her intent to impose
15 nonjudicial punishment that includes arrest in quarters or
16 restriction, the ~~accused~~ member shall be afforded a reasonable
17 amount of time to confer with legal counsel and to prepare a
18 response.

19 J. The commanding officer who imposes the punishment, or his or
20 her successor in command, may at any time suspend, set aside,
21 mitigate or remit any part or amount of the punishment and restore
22 all rights, privileges and property affected. The commanding
23 officer may also mitigate:

24 1. Reduction in grade to forfeiture of pay;

1 2. Arrest in quarters to restriction; or

2 3. Extra duties to restriction.

3 The mitigated punishment shall not be for a greater period than the
4 punishment mitigated. When mitigating reduction in grade to
5 forfeiture of pay, the amount of the forfeiture shall not be greater
6 than the amount that could have been imposed initially under this
7 article by the officer who imposed the punishment mitigated.

8 K. A person punished under this section who considers the
9 punishment unjust or disproportionate to the offense may, through
10 his or her chain of command, appeal to a senior officer designated
11 by the Adjutant General to adjudicate appeals arising from
12 nonjudicial punishment. A senior officer so designated by the
13 Adjutant General shall be a member of the same component of the
14 state military forces as the accused. An appeal made pursuant to
15 this subsection shall be lodged within fifteen (15) days after the
16 punishment is announced to the ~~accused~~ member. The commanding
17 officer exercising appellate authority may, at his or her
18 discretion, extend the deadline for an appeal. The appeal shall be
19 promptly forwarded and decided, and the member shall not be punished
20 until the appeal is decided. The senior officer designated by the
21 Adjutant General as exercising appellate authority may exercise the
22 same powers with respect to the punishment imposed as may be
23 exercised under subsection I of this section by the officer who
24 imposed the punishment. Before acting on an appeal from a

1 punishment, the senior officer exercising appellate authority shall
2 refer the case to a judge advocate for consideration and advice.
3 When a senior officer is designated by the Adjutant General to
4 adjudicate appeals arising from nonjudicial punishment, such
5 designation shall be accomplished in writing and shall be considered
6 a military publication, as defined in Section 801 of this title
7 (Article 1).

8 L. Except for nonjudicial punishment imposed by the Governor or
9 the Adjutant General, the final appellate authority for nonjudicial
10 punishment imposed within state military forces is the Adjutant
11 General. A person punished under this section whose appeal was
12 previously denied by a senior officer designated to adjudicate
13 appeals may, through his or her chain of command, lodge an
14 additional appeal with the Adjutant General within five (5) days
15 after the appeal is denied. In the event the officer imposing
16 nonjudicial punishment is a senior officer who is also designated to
17 adjudicate appeals arising from nonjudicial punishment, an appeal
18 thereof shall be addressed directly to the Adjutant General. In the
19 event the officer imposing nonjudicial punishment is the Adjutant
20 General, an appeal thereof shall be addressed directly to the
21 Governor. An appeal offered pursuant to this subsection shall be
22 made only in writing. Neither the Governor nor the Adjutant General
23 shall delegate his or her duties as an appellate authority under
24 this subsection.

1 M. Whenever nonjudicial punishment is imposed under this
2 section:

3 1. After adjudication and while the punishment is being carried
4 out or while the adjudged punishment is pending before the appellate
5 authority, the commander or officer in charge who imposed the
6 nonjudicial punishment, upon the request of the ~~accused~~ member, may:

7 a. excuse the ~~accused~~ member from attendance at scheduled
8 unit training assemblies, or

9 b. arrange for the ~~accused~~ member to drill on alternate
10 dates and in alternate locations; or

11 2. If necessary to maintain good order and discipline within
12 the unit, the ~~commander or officer in charge~~ commanding officer who
13 imposed the nonjudicial punishment may order the ~~accused~~ member to
14 drill on alternate dates and in alternate locations. The order
15 shall be reduced to writing and shall become part of the record of
16 nonjudicial punishment.

17 N. The imposition and enforcement of disciplinary punishment
18 under this section for any act or omission shall not be a bar to
19 trial by court-martial or a civilian court of competent jurisdiction
20 for a crime or offense arising out of the same act or omission; but
21 the fact that a disciplinary punishment has been enforced may be
22 demonstrated by the ~~accused~~ member upon trial and, when so
23 demonstrated, it shall be considered in determining the measure of
24 punishment to be adjudged in the event of a finding or verdict of

1 guilty. Nonjudicial punishment shall not be imposed for an offense
2 previously tried by a civilian court unless so authorized by
3 regulations promulgated by the Adjutant General.

4 O. When nonjudicial punishment has been imposed for an offense,
5 punishment shall not again be imposed for the same offense under
6 this section. Once nonjudicial punishment has been imposed, it may
7 not be increased, upon appeal or otherwise. When a ~~commander or~~
8 ~~officer in charge~~ commanding officer determines that nonjudicial
9 punishment is appropriate for a particular member, all known
10 offenses determined to be appropriate for disposition by nonjudicial
11 punishment and ready to be considered at that time, including all
12 offenses arising from a single incident or course of conduct, shall
13 be considered together and shall not be made the basis for multiple
14 punishments. This subsection shall in no way restrict the right of
15 a ~~commander~~ commanding officer to prefer court-martial charges for
16 an offense previously punished under the provisions of this section.

17 P. In accordance with subsection B of Section 843 of this title
18 (Article 43, subsection B), a person accused of an offense is not
19 liable to be punished under this section if the offense was
20 committed more than two (2) years before the imposition of
21 punishment. Periods in which the ~~accused~~ member is absent without
22 authority shall be excluded in computing the period of limitation
23 prescribed in this section.

24

1 Q. Whenever a punishment of forfeiture of pay is imposed under
2 this section, the forfeiture shall not apply to pay accruing before
3 the date that punishment is imposed, but only pay accruing on or
4 after the date that punishment is imposed.

5 R. The Adjutant General may promulgate regulations prescribing
6 the type and form of records to be kept of proceedings conducted
7 pursuant to this section. The Adjutant General may promulgate any
8 other regulations necessary to carry out the provisions of this
9 section.

10 S. For purposes of this section, no member of the Oklahoma
11 National Guard of the rank of E-8 or E-9 shall be reduced in rank
12 pursuant to this section except when the reduction results from
13 nonjudicial punishment imposed by an officer of the Oklahoma
14 National Guard of the rank of Brigadier General or by the Adjutant
15 General. When imposing nonjudicial punishment on enlisted persons
16 of the rank of E-7 or below, a commander or officer in charge who
17 possesses the rank of colonel may consider reduction in rank as a
18 possible punishment.

19 SECTION 8. AMENDATORY 44 O.S. 2021, Section 821, is
20 amended to read as follows:

21 Section 821. ~~RESERVED~~ ARTICLE 21. Convening of court-martial
22 by federal officials.

23 In no case shall the President of the United States, the
24 Secretary of Defense, the secretary of a military department, a

1 military officer serving on active duty within the meaning of Title
2 10 of the United States Code, or any other federal official convene
3 a court-martial proceeding pursuant to the Oklahoma Military Code
4 unless prior consent has been granted by the Governor. Such
5 consent, if granted by the Governor, shall be accomplished in
6 writing and shall be published by the Governor.

7 SECTION 9. AMENDATORY 44 O.S. 2021, Section 875, is
8 amended to read as follows:

9 Section 875. ARTICLE 75. Restoration.

10 A. Under such regulations as the Adjutant General may
11 promulgate, all rights, privileges, and property affected by an
12 executed part of a court-martial sentence which has been set aside
13 or disapproved, except an executed dismissal or discharge, shall be
14 restored unless a new trial or rehearing is ordered and such
15 executed part is included in a sentence imposed upon the new trial
16 or rehearing.

17 B. If a previously executed sentence of dishonorable or bad-
18 conduct discharge is not imposed on a new trial, the Adjutant
19 General shall substitute therefor a form of discharge authorized for
20 administrative issuance unless the accused is to serve out the
21 remainder of his or her enlistment.

22 C. If a previously executed sentence of dismissal is not
23 imposed on a new trial, the Adjutant General shall substitute
24 therefor a form of discharge authorized for administrative issue,

1 and the commissioned officer dismissed by that sentence may be
2 reappointed pursuant to Sections 875 and 12203 of Title 10 of the
3 ~~United States Code and any applicable regulations prescribed~~
4 ~~thereunder by the President of the United States or the Secretary~~
5 ~~concerned~~ solely by the Governor to such commissioned grade and with
6 such rank as in the opinion of the Governor that former officer
7 would have attained had he or she not been dismissed. The
8 reappointment of such a former officer shall be without regard to
9 the existence of a vacancy and shall affect the promotion status of
10 other officers only insofar as the Governor may direct. All time
11 between the dismissal and the reappointment shall be considered as
12 actual service for all purposes, including the right to pay and
13 allowances.

14 D. The Governor or Adjutant General shall prescribe
15 regulations, with such limitations as the Governor or Adjutant
16 General considers appropriate, governing eligibility for pay and
17 allowances for the period after the date on which an executed part
18 of a court-martial sentence is set aside.

19 SECTION 10. AMENDATORY 44 O.S. 2021, Section 905, is
20 amended to read as follows:

21 Section 905. ~~RESERVED~~ ARTICLE 105. Forgery.

22 Any person subject to the Oklahoma Uniform Code of Military
23 Justice who, with intent to defraud:
24

1 1. Falsely makes or alters any signature to, or any part of,
2 any writing which would, if genuine, apparently impose a legal
3 liability on another or change his or her legal right or liability
4 to his or her prejudice; or

5 2. Utters, offers, issues, or transfers such a writing, known
6 by him or her to be so made or altered, is guilty of forgery and
7 shall be punished as a court-martial may direct.

8 SECTION 11. AMENDATORY 44 O.S. 2021, Section 912, is
9 amended to read as follows:

10 Section 912. Drunkenness and other incapacitation offenses.

11 A. Drunk on duty. Any person subject to the Oklahoma Uniform
12 Code of Military Justice, ~~other than a sentinel or lookout,~~ who is
13 drunk on duty shall be punished as a court-martial may direct.

14 B. Incapacitation for duty from drunkenness or drug use. Any
15 person subject to the Code who, as a result of indulgence in any
16 alcoholic beverage or any drug, is incapacitated for the proper
17 performance of duty shall be punished as a court-martial may direct.

18 C. Drunk prisoner. Any person subject to the Code who is a
19 prisoner and, while in such status, is drunk shall be punished as a
20 court-martial may direct.

21 SECTION 12. AMENDATORY 44 O.S. 2021, Section 912a, is
22 amended to read as follows:

23 Section 912a. Wrongful use, possession, etc., of controlled
24 substances.

1 A. Any person subject to the Oklahoma Uniform Code of Military
2 Justice who wrongfully uses, possesses, manufactures, distributes,
3 imports into the customs territory of the United States, exports
4 from the United States, or introduces into an installation, vessel,
5 vehicle, or aircraft used by or under the control of the Armed
6 Forces of the United States or of the state military forces a
7 substance described in subsection B of this section shall be
8 punished as a court-martial may direct.

9 B. The substances referred to in subsection A of this section
10 are the following:

11 1. Opium, heroin, cocaine, amphetamine, lysergic acid
12 diethylamide, methamphetamine, phencyclidine, barbituric acid, and
13 marijuana and any compound or derivative of any such substance;

14 2. Any substance not specified in paragraph 1 of this
15 subsection that is listed on a schedule of controlled substances
16 prescribed by the President for the purposes of the Uniform Code of
17 Military Justice, Title 10 of the United States Code, Section 801,
18 et seq.; and

19 3. Any other substance not specified in paragraph 1 of this
20 subsection or contained on a list prescribed by the President under
21 paragraph 2 of this subsection that is listed in schedules I through
22 V of article 202 of the Controlled Substances Act, Title 21 of the
23 United States Code, Section 812.

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1 C. It shall be unlawful for any member of the state military
2 forces to knowingly use or ingest marijuana or any substances or
3 products derived from marijuana including, but not limited to, hemp,
4 tetrahydrocannabinol, and cannabidiol.

5 SECTION 13. AMENDATORY 44 O.S. 2021, Section 928b, is
6 amended to read as follows:

7 Section 928b. ~~RESERVED~~ Any person subject to the Oklahoma
8 Uniform Code of Military Justice who:

9 1. Commits a violent offense against a spouse, an intimate
10 partner, or an immediate family member of that person;

11 2. With intent to threaten or intimidate a spouse, an intimate
12 partner, or an immediate family member of that person, commits an
13 offense under this chapter against any person or property, including
14 an animal;

15 3. With intent to threaten or intimidate a spouse, an intimate
16 partner, or an immediate family member of that person, violates a
17 protection order;

18 4. With intent to commit a violent offense against a spouse, an
19 intimate partner, or an immediate family member of that person,
20 violates a protection order; or

21 5. Assaults a spouse, an intimate partner, or an immediate
22 family member of that person by strangling or suffocating,
23 shall be punished as a court-martial may direct.

1 SECTION 14. AMENDATORY 44 O.S. 2021, Section 934, is
2 amended to read as follows:

3 Section 934. ARTICLE 134 General Article.

4 Though not specifically mentioned in the Oklahoma Uniform Code
5 of Military Justice, all disorders and neglects to the prejudice of
6 good order and discipline in the state military forces, all conduct
7 of a nature to bring discredit upon the state military forces, and
8 crimes and offenses not capital, of which persons subject to the
9 Code may be guilty, shall be taken cognizance of by a general,
10 special, or summary court-martial, according to the nature and
11 degree of the offense, and shall be punished at the discretion of
12 that court. However, where a crime constitutes an offense that
13 violates both the Code and the criminal laws of the State of
14 Oklahoma, jurisdiction over the offense shall be determined in
15 accordance with Section 802 of this title (Article 2). This section
16 shall encompass all specifically enumerated offenses included in
17 Section 934 of Title 10 of the United States Code, including all
18 amendments thereto adopted from time to time, except when such
19 provisions are contrary to or inconsistent with the Code.

20 SECTION 15. AMENDATORY 44 O.S. 2021, Section 937, is
21 amended to read as follows:

22 Section 937. ARTICLE 137. Articles to be explained.

23 A. 1. The sections of the Oklahoma Uniform Code of Military
24 Justice specified in paragraph 3 of this subsection shall be

1 carefully explained, either orally or in writing, to each officer
2 and enlisted member at the time of, or within one hundred twenty
3 (120) days after, the officer's or enlisted member's initial
4 entrance into a duty status with the state military forces.

5 2. Such articles shall be explained again:

6 a. after the enlisted member has completed basic or
7 recruit training, and

8 b. ~~at the time when the enlisted member reenlists~~ within
9 ninety (90) days of each re-enlistment.

10 3. This subsection applies with respect to Sections 802, 803,
11 807-815, 825, 827, 831, 837, 838, 855, 877-934, and 937-939 of this
12 title (Articles 2, 3, 7-15, 25, 27, 31, 37, 38, 55, 77-134, and 137-
13 139).

14 B. The text of the Code and of the regulations prescribed
15 pursuant to the Code shall be made available to an officer or
16 enlisted member of the state military forces, upon request, for the
17 officer's or enlisted member's personal examination. Electronic or
18 online availability of the Code and of the regulations prescribed
19 pursuant to the Code shall constitute availability for purposes of
20 personal examination by officers or enlisted members of the state
21 military forces.

22 SECTION 16. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 940C of Title 44, unless there
24 is created a duplication in numbering, reads as follows:

1 ARTICLE 140C. Manual for Courts-Martial.

2 Manual for Courts-Martial, United States, including all
3 amendments thereto adopted from time to time, except when such rules
4 are contrary to or inconsistent with the Oklahoma Uniform Code of
5 Military Justice, shall be adopted as the Oklahoma State Manual for
6 Courts-Martial.

7 SECTION 17. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 239 of Title 44, unless there is
9 created a duplication in numbering, reads as follows:

10 The co-located readiness and joint operating center facilities
11 constructed by the Military Department or on behalf of the Military
12 Department shall be named the "Benjamin T. Walkingstick National
13 Guard Complex".

14 SECTION 18. REPEALER 44 O.S. 2021, Section 940b, is
15 hereby repealed.

16 SECTION 19. This act shall become effective November 1, 2025.

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