

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1556

By: Jordan of the House

and

Ivester of the Senate

8 An Act relating to military law; amending Sections 6,
118, 123, 132 and 133, Chapter 86, O.S.L. 2007 (44
9 O.S. Supp. 2010, Sections 3205, 3361, 3366, 3375 and
3376), which relate to the Uniform State Code of
10 Military Justice; specifying applicability of code
11 provisions; establishing elements of destruction of
12 public record offense; providing for punishment;
13 establishing elements of reckless endangerment
offense and punishment; providing for punishment of
14 adultery offense; establishing elements of certain
counterfeiting offense and punishment; and providing
an effective date.

15 AUTHORS: Add the following Senate coauthors: Allen, Barrington,
Bass and Shortey

17 AMENDMENT NO. 1. Page 4, line 15 1/2, insert new Sections 6 and 7
to read

18 "SECTION 6. AMENDATORY Section 1, Chapter 303, O.S.L.
19 2003, as amended by Section 2, Chapter 359, O.S.L. 2010 (74 O.S.
20 Supp. 2010, Section 5401), is amended to read as follows:

21 Section 5401. A. There is hereby created the Oklahoma
22 Strategic Military Planning Commission.
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1 B. The Oklahoma Strategic Military Planning Commission shall
2 consist of ~~seven (7)~~ nine (9) members as follows:

3 1. Five persons to be appointed by the Governor, each of whom
4 shall represent, respectively, the interests of communities that
5 would be affected by realignment or closure of the following
6 military installations:

7 a. Altus Air Force Base,

8 b. Vance Air Force Base,

9 c. Fort Sill,

10 d. the Army Ammunition Plant located near McAlester, and

11 e. Tinker Air Force Base; ~~and~~

12 2. One person to be appointed by the Speaker of the House of
13 Representatives from the membership of the House and one person to
14 be appointed by the President Pro Tempore of the Senate from the
15 membership of the Senate. The members appointed pursuant to this
16 paragraph shall be ex officio and nonvoting members of the
17 Commission; and

18 3. The Secretary of Veterans Affairs, or successor member of
19 the Governor's Executive Cabinet who has responsibility for Veterans
20 Affairs, and the Adjutant General of the Oklahoma Army and Air
21 National Guard. The members appointed pursuant to this paragraph
22 shall be ex officio and nonvoting members of the Commission.

23 C. The members of the Commission shall serve at the pleasure of
24 the appointing authority. The members of the Commission shall

1 select from among their membership a chair and vice-chair. The
2 chair and vice-chair shall serve for a period of one (1) year and
3 may succeed themselves in office.

4 D. The Commission shall be subject to the provisions of the
5 Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

6 E. The Commission shall be authorized to meet at such times as
7 may be required in order to fulfill the duties and responsibilities
8 imposed upon it by law.

9 F. The provisions of this section shall cease to have the force
10 and effect of law and the Commission shall be dissolved by operation
11 of law on December 31, 2014.

12 G. The members of the Commission shall not be deemed to be
13 officers or to hold public office for purposes of Section 6 of Title
14 51 of the Oklahoma Statutes.

15 SECTION 7. AMENDATORY Section 2, Chapter 303, O.S.L.
16 2003 (74 O.S. Supp. 2010, Section 5402), is amended to read as
17 follows:

18 Section 5402. A. The purpose of the Oklahoma Strategic
19 Military Planning Commission shall be to analyze state policies
20 affecting military facilities currently in use by the United States
21 Department of Defense and the Oklahoma Army and Air National Guard
22 located within the state and by their related communities and such
23 infrastructure as may support or be affected by these Department of
24 Defense or National Guard facilities or any activity therein.

1 Provided further that the Commission may assist financially with
2 projects designed to enhance the operation, security, or support of
3 such facilities and associated activities, pursuant to the
4 provisions of Section 5403 of this title. The Commission shall also
5 examine methods for improving the ~~potential~~ private sector market
6 value or potential for such military facilities.

7 B. The Commission shall advise and recommend to the Governor
8 and to the Legislature, by reporting to the Speaker of the House of
9 Representatives and the President Pro Tempore of the Senate, state
10 policies which would:

11 1. Prevent Oklahoma's military facilities from being targeted
12 for closing or downsizing;

13 2. Maximize Oklahoma's input into the federal base closing and
14 realignment process;

15 3. Protect, to the greatest extent possible, the interests of
16 the communities and residents of areas located within and adjacent
17 to such military facilities in connection with such process;

18 4. Mitigate the effect of a reduction in military personnel
19 housed or assigned to such facilities, reduction in military
20 activity associated with such facilities, or other changes in either
21 civilian or military activity which have the potential to reduce
22 employment, business activity, personal income or other economic
23 growth in the affected areas; and
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and amend the title to conform as follows

Page 1, line 12, after the semicolon and before the word "and" insert

"amending Section 1, Chapter 303, O.S.L. 2003, as amended by Section 2, Chapter 359, O.S.L. 2010 and Section 2, Chapter 303, O.S.L. 2003 (74 O.S. Supp. 2010, Sections 5401 and 5402), which relate to the Oklahoma Strategic Military Planning Commission; modifying membership of the Oklahoma Strategic Military Planning Commission; modifying purpose of the Commission;"

Passed the Senate the 20th day of April, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2011.

Presiding Officer of the House
of Representatives

1 ENGROSSED HOUSE
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7 An Act relating to military law; amending Sections 6,
8 118, 123, 132 and 133, Chapter 86, O.S.L. 2007 (44
9 O.S. Supp. 2010, Sections 3205, 3361, 3366, 3375 and
10 3376), which relate to the Uniform State Code of
11 Military Justice; specifying applicability of code
12 provisions; establishing elements of destruction of
13 public record offense; providing for punishment;
14 establishing elements of reckless endangerment
15 offense and punishment; providing for punishment of
16 adultery offense; establishing elements of certain
17 counterfeiting offense and punishment; and providing
18 an effective date.

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

20 SECTION 1. AMENDATORY Section 6, Chapter 86, O.S.L. 2007
21 (44 O.S. Supp. 2010, Section 3205), is amended to read as follows:

22 Section 3205. A. ~~This code~~ The Uniform State Code of Military
23 Justice has applicability at all times and in all places, provided
24 that the person subject to the code is in a duty status. ~~However,~~
~~this grant~~ For those offenses set forth in Section 3368 of this
title, the Uniform State Code of Military Justice has applicability
at all times and in all places regardless of duty status. Provided,

1 however, these grants of military jurisdiction shall neither
2 preclude nor limit civilian jurisdiction over an offense, which is
3 limited only by the prohibition of double jeopardy.

4 B. Courts-martial and courts of inquiry may be convened and
5 held in units of the state military forces while those units are
6 serving outside the state with the same jurisdiction and powers as
7 to persons subject to ~~this code~~ the Uniform State Code of Military
8 Justice as if the proceedings were held inside the state, and
9 offenses committed outside the state may be tried and punished
10 either inside or outside the state.

11 SECTION 2. AMENDATORY Section 118, Chapter 86, O.S.L.
12 2007 (44 O.S. Supp. 2010, Section 3361), is amended to read as
13 follows:

14 Section 3361. ~~RESERVED~~ Any person subject to the Uniform State
15 Code of Military Justice who willfully and unlawfully alters,
16 conceals, removes, mutilates, obliterates, destroys, or takes with
17 the intent to alter, conceal, remove, mutilate, obliterate, or
18 destroy, a certain public record, and whose conduct, under the
19 circumstances, was to the prejudice of good order and discipline in
20 the armed forces or was of a nature to bring discredit upon the
21 armed forces, shall be punished as a court-martial may direct.

22 SECTION 3. AMENDATORY Section 123, Chapter 86, O.S.L.
23 2007 (44 O.S. Supp. 2010, Section 3366), is amended to read as
24 follows:

1 Section 3366. ~~RESERVED~~ Any person subject to the Uniform State
2 Code of Military Justice who engages in wrongful and reckless or
3 wanton conduct likely to produce death or grievous bodily harm, and
4 whose conduct, under the circumstances, was to the prejudice of good
5 order and discipline in the armed forces or was of a nature to bring
6 discredit upon the armed forces, shall be punished as a court-
7 martial may direct.

8 SECTION 4. AMENDATORY Section 132, Chapter 86, O.S.L.
9 2007 (44 O.S. Supp. 2010, Section 3375), is amended to read as
10 follows:

11 Section 3375. Any person subject to ~~this code~~ the Uniform State
12 Code of Military Justice who:

13 1. Commits an act of sexual intercourse with another person;
14 and

15 2. At the time of intercourse the person subject to ~~this code~~
16 the Uniform State Code of Military Justice was married to someone
17 else; and

18 3. Under the circumstances, the conduct of the person subject
19 to this code was to the prejudice of good order and discipline in
20 the state militia or was of a nature to bring discredit upon the
21 state militia,
22 shall be punished as a court-martial may direct.

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1 SECTION 5. AMENDATORY Section 133, Chapter 86, O.S.L.
2 2007 (44 O.S. Supp. 2010, Section 3376), is amended to read as
3 follows:

4 Section 3376. ~~RESERVED~~ Any person subject to the Uniform State
5 Code of Military Justice who:

6 1. Wrongfully makes, alters, counterfeits, or tampers with a
7 military or official pass, permit, discharge certificate, or
8 identification;

9 2. Wrongfully sells, gifts, lends or disposes of a military or
10 official pass, permit, discharge certificate, or identification
11 card; or

12 3. Wrongfully uses or possesses a false or unauthorized
13 military or official pass, permit, discharge certificate, or
14 identification card,
15 shall be punished as a court-martial may direct.

16 SECTION 6. This act shall become effective November 1, 2011.
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