

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2982

				Of the printed Bill
Page	<u>9</u>	Section	<u>10</u>	Lines
				<u>20 ½</u>
				Of the Engrossed Bill

By adding the following language and renumbering subsequent definitions:

"7. "Assistant Adjutant General" means an officer appointed by the Governor to assist the Adjutant General in the discharge and performance of his or her duties. An Assistant Adjutant General must possess the rank of Brigadier General and otherwise meet the qualifications prescribed by law for the Adjutant General. At least one Assistant Adjutant General for Army and one Assistant Adjutant General for Air Force are customarily appointed to establish lines of command and administration into each component of state military forces;"; and

On Page 15, Line 5, by deleting the number "3375" and striking the word "(Adultery)"; and

On Page 16, Line 1, by inserting the following language and renumbering subsequent definitions:

"29. "Nexus" means the appearance of a connection between a nonmilitary offense and the state military forces which brings discredit or dishonor to the state military forces due to representations of membership in the state military forces by a member. Such representations may be made directly or indirectly, including but not limited to publication on social media or other electronic communication platforms;"; and

On Page 18, Line 6-7, by deleting all the language beginning with the words "Senior force commander" on line 6 and through the word "accused" on line 7 and inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Chris Kannady

Adopted: _____

Reading Clerk

"Senior Assistant Adjutant General" means an Assistant Adjutant General who either possesses the most time in grade or has been designated in writing by the Adjutant General as the senior Assistant Adjutant General for his or her component irrespective of time in grade"; and

On Page 18, Lines 8-11, by deleting all the language beginning with the words "Senior force judge advocate" on line 8 and through the word "advisor" on line 11 and inserting in lieu thereof the following language:

"Senior force component judge advocate" means the judge advocate assigned as chief legal advisor to the Senior Assistant Adjutant General of the same component of the state military forces as the accused"; and

On Page 20, Section 11, Line 3, by adding before the word "This" the subsection letter "A."; and

On Page 20, Lines 4-11, by striking and deleting all the language beginning with the word "who" on Line 4 and through the period on Line 11 and inserting in lieu thereof the following language:

"at all times who are not in active federal service, as defined by Title 10 of the United States Code.

B. Subject matter jurisdiction is established if a nexus exists between an offense, either military or nonmilitary, and the state military forces. Courts-martial have primary jurisdiction over military offenses as defined in this code.

C. A proper civilian court has primary jurisdiction of a nonmilitary offense when an act or omission violates both this code and local criminal law, foreign or domestic. In such a case, a court-martial may be initiated only after the civilian authority has declined to prosecute or has dismissed the charge, provided jeopardy has not attached. The state manual for courts-martial may prescribe how a convening authority establishes jurisdiction over a nonmilitary offense.

D. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes shall be determined by the underlying offense.

E. If a commander or officer in charge determines that a nexus exists between a nonmilitary offense and the state military forces, for purposes of administrative action, the commander or officer in charge may impose nonjudicial punishment regardless of whether courts-martial jurisdiction is then possessed or later acquired by the state military forces."; and

On Page 29, Section 17, Line 11, by deleting the words "senior force commander" and adding in lieu thereof the words "Senior Assistant Adjutant General of the same component of the state military forces as the accused"; and

On Page 29, Line 17, by deleting the words "senior force commander" and adding in lieu thereof the words "Senior Assistance Adjutant General"; and

On Page 29, Line 21, by deleting the words "senior force commander" and adding in lieu thereof the words "Senior Assistant Adjutant General"; and

On Page 29, Line 22 $\frac{1}{2}$, by inserting a new subsection J to read as follows and relettering subsequent subsections:

"J. Except for nonjudicial punishment imposed by the Adjutant General or the Governor, the final appellate authority for nonjudicial punishment imposed within state military forces is the Adjutant General. A person punished under this section whose appeal was previously denied by a Senior Assistant Adjutant General may lodge an additional appeal with the Adjutant General within five (5) days after the appeal is denied. In the event the officer imposing nonjudicial punishment is the Senior Assistant Adjutant General, an appeal thereof shall be addressed directly to the Adjutant General. In the event the officer imposing nonjudicial punishment is the Adjutant General, an appeal thereof shall be addressed directly to the Governor. An appeal offered pursuant to this subsection shall be made only in writing."; and

On Page 30, Lines 15-19 by deleting subsection K in its entirety and relettering subsequent subsections; and

On Pages 95-96, by deleting Section 81 in its entirety and renumbering the subsequent sections; and

On Page 116, Section 99, Line 1, by deleting the words "terminate ninety (90) calendar days" and inserting in lieu thereof the words "remain in effect"; and

On Page 116, Line 2, by deleting the word "unless" and inserting in lieu thereof the word "until"; and

On Page 116, Lines 2-3, by deleting the words "terminated or continued" and inserting in lieu thereof the words "modified or rescinded"; and

On Page 116, Line 3, by deleting the words "during that time"; and

On Page 117, Section 100, Line 9, by adding before the period and after the word "Act" the words ", except as provided in Section 251 of Title 75 of the Oklahoma State Statutes"; and

On Page 126, Section 101, Line 10 ½, by adding a new subsection H to read as follows:

"H. In consultation with the Adjutant General, the Secretary is authorized to determine a numbering system and other standardized format for military documents to be filed and may authorize or require the filing of military publications by or through electronic data or machine readable equipment in such form and manner as is required by the Secretary."; and

On Page 130, Section 103, Line 1, by deleting the numeral "2017" and inserting in lieu thereof the numeral "2018"; and

On Page 132, Line 2, by deleting the words "terminate ninety (90) calendar days" and inserting in lieu thereof the words "remain in effect"; and

On Page 132, Line 3, by deleting the word "unless" and inserting in lieu thereof the word "until"; and

On Page 132, Line 4, by deleting the words "terminated or continued" and inserting in lieu thereof the words "modified or rescinded"; and

On Page 132, Line 4, by deleting the words "during that time"; and

On Page 135, Line 9 ½ by inserting a new Section 105 to read as follows and renumbering the subsequent section:

"SECTION 105. REPEALER 44 O.S. 2011, Section 3375, is hereby repealed."; and

By updating internal references to reflect these amendments.