

1 ENGROSSED HOUSE  
2 BILL NO. 2769

By: Caldwell (Trey) and Kane of  
the House

3 and

4 Hall and Haste of the  
5 Senate

6  
7  
8 An Act relating to militia; amending 44 O.S. 2021,  
9 Section 21, which relates to the establishment of the  
10 Oklahoma Military Department; modifying Adjutant  
11 General's duties; amending 44 O.S. 2021, Section 24;  
12 which relates to the appointment and eligibility of  
13 the Adjutant General; modifying eligibility  
14 requirements; amending 44 O.S. 2021, Section 25,  
15 which relates to the rank of the Adjutant General;  
16 adding a compensation guideline; amending 44 O.S.  
17 2021, Section 26, which relates to authority and  
18 duties of the Adjutant General; adding authority to  
19 arm members; adding ability to accept donations for  
20 Oklahoma National Guard programs; adding authority as  
21 chief over the fire protection and police units under  
22 the Oklahoma Military Department; amending Section 1,  
23 Chapter 74, O.S.L. 2022 (44 O.S. Supp. 2024, Section  
24 233.10a), 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  
or member; establishing procedure for pay eligibility  
during court-martial sentence; amending 44 O.S. 2021,

1 Section 905, which relates to forgery; establishing  
2 definition and penalty for forgery; amending 44 O.S.  
3 2021, Section 912, which relates to drunkenness and  
4 other incapacitation offenses; modifying references;  
5 amending 44 O.S. 2021, Section 912A, which relates to  
6 wrongful use and possession of a controlled  
7 substance; prohibiting the use of marijuana by  
8 Oklahoma military forces; amending 44 O.S. 2021,  
9 Section 928B, which relates to domestic violence;  
10 establishing penalties for spousal abuse and intimate  
11 partner violence by members of the Oklahoma Militia;  
12 amending 44 O.S. 2021, Section 934, which relates to  
13 general offenses; encompassing all specifically  
14 enumerated offenses in Section 934 of Title 10 of the  
15 United States Code; amending 44 O.S. 2021, Section  
16 937, which relates to the explanation of articles;  
17 modifying timeframe to explain articles; adopting the  
18 Manual for Courts-Martial, United States, as the  
19 Oklahoma State Manual for Courts-Martial;  
20 establishing the "Benajmin T. Walkingstick National  
21 Guard Complex" building; establishing guidelines for  
22 convening of court-martial by federal officials;  
23 providing for supplemental retirement payment;  
24 providing for funding applicability and eligibility  
requirements; determining qualifying payment amounts;  
creating the Oklahoma National Guard Supplemental  
Retirement Pay Revolving Fund; establishing revolving  
fund characteristics; declaring funds appropriated;  
creating the Oklahoma National Guard CareerTech  
Assistance Act; providing short title; defining  
terms; creating the Oklahoma National Guard  
CareerTech Assistance Program to provide tuition  
assistance to certain eligible members; providing for  
amount of assistance subject to availability of  
funding; limiting assistance to certain number of  
years; allowing establishment of certain cap;  
prohibiting assistance for courses taken in excess of  
certain requirements; providing for eligibility;  
providing eligibility retention requirements;  
providing application process; allowing denial of  
continued assistance for failure to meet certain  
requirements; requiring repayment of assistance for  
failure to meet certain requirement; providing for  
calculation of repayment amount; allowing for  
application of hardship waiver; directing certain  
notification on available funding; providing for  
promulgation of rules and regulations; directing

1 coordination of rules and regulations; creating the  
2 Oklahoma National Guard CareerTech Assistance  
3 Revolving Fund; specifying source of fund; providing  
4 for expenditures; providing purpose of fund;  
5 providing for transfer of benefits for dependents;  
6 repealing 44 O.S. 2021, Section 940B, which relates  
7 to military publications; providing for codification;  
8 and providing an effective date.

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

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

12 Section 21 The Military Department of the State of Oklahoma is  
13 hereby established and shall be under the command and control of the  
14 Governor as Commander in Chief, with the Adjutant General as the  
15 executive and administrative head thereof. The Military Department  
16 shall be constituted of the state military forces, as defined by  
17 Section 801 of this title, and is hereby organized into a joint  
18 headquarters which shall be identified as the joint forces  
19 headquarters. The joint forces headquarters shall be jointly  
20 staffed by Army National Guard and Air National Guard personnel who,  
21 under the authority and direction of the Adjutant General, shall  
22 support and assist the Adjutant General in the exercise of command  
23 and control over state military forces when not activated for  
24 federal duty under Title 10 of the United States Code. There shall  
be assigned to the joint ~~force~~ forces headquarters, officers,

1 enlisted personnel, and civilian employees as may be considered  
2 necessary by the Governor as Commander in Chief and ~~as may be~~  
3 ~~authorized by law and Army National Guard regulations and Air~~  
4 ~~National Guard regulations~~ the Adjutant General.

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

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

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

12 1. Shall be a federally recognized and currently serving as a  
13 colonel or higher ranking officer of the Oklahoma National Guard ~~and~~  
14 ~~of the National Guard of the United States for no less than three~~  
15 ~~(3)~~ eight (8) years of service in the Oklahoma National Guard;

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

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

20 ~~C. If the Oklahoma National Guard is in active federal service~~  
21 ~~and no persons having the qualifications required in subsection B of~~  
22 ~~this section are available within the state, then the Governor may~~  
23 ~~appoint, subject to the advice and consent of the Senate, any~~  
24 ~~suitably qualified person who at any time in the preceding ten (10)~~

~~years would have been qualified, as above, and who has served at least two (2) years in active federal service in the grade of Colonel or higher.~~

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

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

B. The Governor may appoint Assistant Adjutants General for Army and Assistant Adjutants General for Air to assist the Adjutant General in the discharge and performance of his or her duties. When appointing Assistant Adjutants General, the Governor shall take into consideration the number of such positions contemplated or recommended by the National Guard Bureau for manning the joint forces headquarters of a state. Such Assistant Adjutants General shall have the qualifications prescribed by law for the Adjutant General and shall have the rank of Brigadier General. The Assistant Adjutants General appointed by the Governor shall be considered staff officers and not commanders except that, in the discretion of

1 the Adjutant General, specific command or supervisory authority may  
2 be delegated by the Adjutant General to an Assistant Adjutant  
3 General but such delegation shall be accomplished in writing and  
4 shall be considered a military publication, as defined in Section  
5 801 of this title (Article 1).

6 C. Other general officers assigned to billets within the state  
7 military forces, including certain billets within the joint forces  
8 headquarters, shall be considered staff officers and not commanders  
9 except that, in the discretion of the Adjutant General, specific  
10 command or supervisory authority may be delegated by the Adjutant  
11 General to such general officers, but such delegation shall be  
12 accomplished in writing and shall be considered a military  
13 publication, as defined in Section 801 of this title (Article 1).

14 D. The Adjutant General may employ a state employee in the  
15 position of Executive Assistant and Programs Manager for the  
16 Military Department of the state. Said position shall be  
17 unclassified and exempt from the Oklahoma Personnel Act and the  
18 Merit Rules for Employment, except leave regulations.

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

21 Section 26. A. The Adjutant General shall be in control of the  
22 Military Department of the State of Oklahoma, subordinate only to  
23 the Governor. Within the limitations and under the provisions of  
24 law, he or she shall supervise and direct the Oklahoma National

1 Guard within the service of the state and when under state control  
2 in all of its organization, training and other activities; shall  
3 receive and give effect to the orders of the Governor; and shall  
4 perform such other military and defense duties, not otherwise  
5 assigned by law, as the Governor may prescribe. The Adjutant  
6 General shall have the authority to arm members of the state  
7 military forces on military installations and other places under the  
8 control of the Military Department with weaponry as the Adjutant  
9 General deems necessary to adequately provide for the security of  
10 the facilities and their occupants.

11 B. The Adjutant General, when absent from the state, may  
12 temporarily delegate any authority vested under this title and any  
13 such duties as an agency appointing authority to an Assistant  
14 Adjutant General, other state officer or employee within the  
15 Military Department of the State of Oklahoma. Such temporary  
16 delegations of authority pursuant to this subsection shall be  
17 accomplished in writing. The Adjutant General may also promulgate  
18 regulations providing for the delegation of any such authority.

19 C. The Adjutant General shall develop, publish and maintain an  
20 organizational chart depicting the chain of command between the  
21 Adjutant General and the major commands of the Oklahoma National  
22 Guard. Besides the major commands defined in Section 801 of this  
23 title (Article 1), the Adjutant General, in his or her discretion,

24

1 may designate other military units within the Oklahoma National  
2 Guard as major commands.

3 D. The organizational chart required in subsection C of this  
4 section shall be updated no less than annually and shall include all  
5 enlisted and officer billets assigned to joint forces headquarters  
6 and shall depict all existing command relationships established by  
7 the Adjutant General within joint forces headquarters. The  
8 organizational chart required herein shall not be considered a  
9 military publication within the meaning of Section 801 of this title  
10 (Article 1).

11 E. In accordance with all relevant requirements of the United  
12 States Army, the United States Air Force or the National Guard  
13 Bureau, the Adjutant General shall develop, publish and maintain an  
14 enlisted and officer rating scheme for all enlisted and officer  
15 billets assigned to joint forces headquarters. The rating scheme  
16 required herein shall not be considered a military publication  
17 within the meaning of Section 801 of this title (Article 1).

18 F. Pursuant to the rules established by the Adjutant General,  
19 the Military Department of the State of Oklahoma is authorized to  
20 expend appropriated and nonappropriated funds to enhance recruiting  
21 and retention efforts for the Oklahoma National Guard.

22 G. The Adjutant General may establish rules allowing the  
23 Military Department of the State of Oklahoma to accept donations and  
24



1 bequests to create a program for the benefit of members of the  
2 Oklahoma National Guard.

3 H. The Adjutant General shall serve as the chief of all fire  
4 protection units operating under the Oklahoma Military Department  
5 and shall supervise and administer the fire protection units in  
6 accordance with the rules and procedures prescribed by the Military  
7 Department.

8 I. The Adjutant General shall serve as the chief of all police  
9 units and officers appointed under the Oklahoma Military Department.  
10 The Adjutant General may appoint police officers in accordance with  
11 Section 230 of this title.

12 SECTION 5. AMENDATORY Section 1, Chapter 74, O.S.L. 2022  
13 (44 O.S. Supp. 2024, Section 233.10a), is amended to read as  
14 follows:

15 Section 233.10a. The Military Department of the State of  
16 Oklahoma may purchase information technology including, but not  
17 limited to, computer hardware or software, or any services related  
18 to software development, software modifications, or any other  
19 services related to the operation and maintenance of computer  
20 hardware or software or both, independently and without prior  
21 approval from the Office of Management and Enterprise Services  
22 Information Services Division. All federal programs managed by the  
23 Military Department of the State of Oklahoma shall be exempt from  
24 any and all Information Services Division requirements.

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

3       Section 243. A. The Governor is hereby authorized to prescribe  
4 rules and regulations governing the enlistment, organization,  
5 administration, equipment, discipline and discharge of the personnel  
6 of such military forces; to requisition from the Secretary of  
7 Defense such arms and equipment as may be in the possession of and  
8 can be spared by the Department of Defense and to extend thereto the  
9 facilities of state armories, Armed Forces Reserve Centers,  
10 readiness centers, logistics, aviation, and training facilities,  
11 warehouses and their equipment and such other state premises and  
12 property as may be available for the purpose of drill and  
13 instruction. ~~Insofar as applicable the procedure for the~~  
14 ~~enlistment, organization, pay, maintenance, equipment and~~  
15 ~~disciplining of such forces shall be in conformity with the law and~~  
16 ~~the rules and regulations governing and pertaining to the National~~  
17 ~~Guard; provided, that the officers and enlisted personnel in the~~  
18 ~~Oklahoma State Guard shall not receive any compensation or monetary~~  
19 ~~allowances from the state except when activated for state active~~  
20 ~~duty, as defined in Section 801 of this title, by order of the~~  
21 ~~Governor.~~

22       B. Members of the Oklahoma State National Guard shall be  
23 considered part of state military forces as defined in Section 801  
24

1 of this title and shall be subject to the Oklahoma Uniform Code of  
2 Military Justice.

3 C. Any full-time state employee that serves in a military  
4 capacity shall receive compensation equaling the compensation,  
5 benefits, entitlements, or other compensation received by a full-  
6 time active-duty service member at the same rank and time in grade.

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

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

19 Section 815. ARTICLE 15. Commanding officer's nonjudicial  
20 punishment.

21 A. Except as provided in subsection B of this section, any  
22 commanding officer ~~and, for purposes of this section, any officer in~~  
23 ~~charge,~~ may impose disciplinary punishments for minor offenses  
24

1 arising under the punitive articles of the Oklahoma Uniform Code of  
2 Military Justice without the intervention of a court-martial.

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

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

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

- 18 1. An admonition;
- 19 2. A reprimand;
- 20 3. The withholding of privileges for not more than six (6)  
21 months which need not be consecutive;
- 22 4. The forfeiture of pay of not more than seven (7) days' pay;
- 23 5. A fine of not more than seven (7) days' pay;
- 24

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

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

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

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

13       1. An admonition;

14       2. A reprimand;

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

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

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

20       6. A reduction to the lowest or any intermediate pay grade, if  
21 the grade from which demoted is within the promotion authority of  
22 the commanding officer imposing the reduction or any officer  
23 subordinate to the one who imposes the reduction, but an enlisted  
24

1 member in a pay grade above E-4 shall not be reduced more than two  
2 pay grades;

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

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

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

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

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

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

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

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

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,  
7 is guilty of forgery and shall be punished as a court-martial may  
8 direct.

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

11        Section 912.    ARTICLE 112.    Drunkenness and other incapacitation  
12 offenses.

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

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

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

23        SECTION 12.        AMENDATORY        44 O.S. 2021, Section 912A, is  
24 amended to read as follows:



1       Section 912A.   ARTICLE 112A.   Wrongful use, possession, etc., of  
2 controlled substances.

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

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

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

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

21       3.   Any other substance not specified in paragraph 1 of this  
22 subsection or contained on a list prescribed by the President under  
23 paragraph 2 of this subsection that is listed in schedules I through  
24

V of article 202 of the Controlled Substances Act, Title 21 of the United States Code, Section 812.

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

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

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

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

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

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

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

5. Assaults a spouse, an intimate partner, or an immediate family member of that person by strangling or suffocating,

1 shall be punished as a court-martial may direct.

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

4 Section 934. ARTICLE 134. General article.

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

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

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

1       A. 1. The sections of the Oklahoma Uniform Code of Military  
2 Justice specified in paragraph 3 of this subsection shall be  
3 carefully explained, either orally or in writing, to each officer  
4 and enlisted member at the time of, or within one hundred twenty  
5 (120) days after, the officer's or enlisted member's initial  
6 entrance into a duty status with the state military forces.

7       2. Such articles shall be explained again:

8           a. after the enlisted member has completed basic or  
9 recruit training, and

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

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

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

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

4       ARTICLE 140C.   Manual for Courts-Martial.

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

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

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

17      SECTION 18.      NEW LAW      A new section of law to be codified  
18 in the Oklahoma Statutes as Section 271 of Title 44, unless there is  
19 created a duplication in numbering, reads as follows:

20      A.   The provisions of this section shall not be operative and no  
21 payments shall be made from the Oklahoma National Guard Supplemental  
22 Retirement Pay Revolving Fund created in Section 19 of this act  
23 until November 1, 2027.

1       B. The provisions of this section shall only be applicable to a  
2 member of the Oklahoma National Guard who has accrued enough service  
3 credit prior to the effective date of this act in order to retire  
4 from the system maintained by the Defense Finance and Accounting  
5 Service, or its successor in interest, for the benefit of members of  
6 state National Guards, but who has not attained the required age  
7 prior to the effective date of this act in order to be paid the full  
8 amount of such benefit. No member of the Oklahoma National Guard  
9 shall be eligible to receive a payment pursuant to the provisions of  
10 this section unless the member has completed twenty-five (25) years  
11 of military service and retires as a member of the Oklahoma National  
12 Guard.

13       C. The provisions of this section shall not be applicable to  
14 any person who retires with an active duty military pension.

15       D. The amount of the payment shall be determined as follows:

16       1. Determine the amount of retirement the member would receive  
17 if the member had reached the age to accrue federal retirement  
18 benefits;

19       2. If the members of the active duty military retirement system  
20 were eligible for a cost-of-living adjustment for the year for which  
21 the computation of the payment amount authorized by this section is  
22 to be made, the cost-of-living adjustment amount in an annualized  
23 form shall be added to the result of the computation in paragraph 1  
24 of this subsection each year; and

1        3. The resulting amount shall be paid to the Oklahoma National  
2 Guard member in twelve equal monthly amounts with allowance as  
3 required for rounding.

4        E. Any benefit payable to an eligible member of the Oklahoma  
5 National Guard shall only be payable during the member's lifetime,  
6 and no benefit authorized pursuant to the provisions of this section  
7 shall be payable to a beneficiary other than amounts paid to a  
8 member prior to the member's death which are payable to another  
9 person pursuant to the provisions of a joint tenancy bank account  
10 with a right of survivorship naming a person or persons as  
11 beneficiary, a bank account with a transfer on death or payable on  
12 death feature, an express trust, including, but not limited to, a  
13 trust created by the payee member during his or her lifetime, a will  
14 or the statute of intestate succession for distribution of the  
15 assets of a person who does not otherwise provide for the  
16 disposition of his or her assets after death.

17        F. The payment otherwise authorized pursuant to the provisions  
18 of this act may only be made to a person who has become eligible to  
19 receive retirement benefits from the retirement system under the  
20 supervision of the Defense Finance and Accounting Service, or its  
21 successor in interest, as of the date the first payment pursuant to  
22 this act is authorized.

23        G. The payments authorized by this section shall be paid to the  
24 eligible member until the member begins to receive federal

1 retirement benefits from the Defense Finance and Accounting Service,  
2 or its successor in interest, but shall not be paid for any period  
3 of time after such time period.

4 H. In the event the funds required for full payment to all  
5 eligible members pursuant to the provisions of this section are not  
6 sufficient, the payments to the eligible members shall be prorated  
7 by dividing the total number of eligible members by the total amount  
8 of available funds. The resulting quotient shall be multiplied by  
9 the payment amount otherwise due to the eligible member and the  
10 result of that computation shall be the reduced dollar amount paid  
11 to each member for the applicable period. For any period of time  
12 during which payments are prorated pursuant to this subsection, the  
13 next increment of available funds shall be used to make payments to  
14 the eligible members whose payment amounts were prorated to  
15 compensate for the reduction made in the prior payment period.

16 SECTION 19. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 272 of Title 44, unless there is  
18 created a duplication in numbering, reads as follows:

19 There is hereby created in the State Treasury a revolving fund  
20 for the Oklahoma Military Department to be designated the "Oklahoma  
21 National Guard Supplemental Retirement Pay Revolving Fund". The  
22 fund shall be a continuing fund, not subject to fiscal year  
23 limitations, and shall consist of all monies received by the  
24 Oklahoma Military Department from funds provided by law. All monies



1 accruing to the credit of said fund are hereby appropriated and may  
2 be budgeted and expended by the Oklahoma Military Department for the  
3 purpose of implementing the provisions of Section 18 of this act.  
4 Expenditures from said fund shall be made upon warrants issued by  
5 the State Treasurer against claims filed as prescribed by law with  
6 the Director of the Office of Management and Enterprise Services for  
7 approval and payment.

8 SECTION 20. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 14-140 of Title 70, unless there  
10 is created a duplication in numbering, reads as follows:

11 A. Sections 20 through 22 of this act shall be known and may be  
12 cited as the "Oklahoma National Guard CareerTech Assistance Act".

13 B. As used in this act:

14 1. "Technology center school" means a technology center school  
15 under the governance of the State Board of Career and Technology  
16 Education;

17 2. "Eligible Guard member" means a current member of the  
18 Oklahoma National Guard in good standing who has a high school  
19 diploma or who has completed General Educational Development (GED)  
20 requirements and who has enrolled in a technology center school; and

21 3. "Program" means the Oklahoma National Guard CareerTech  
22 Assistance Program established pursuant to the provisions of this  
23 section.  
24

1 C. 1. There is hereby created the Oklahoma National Guard  
2 CareerTech Assistance Program to provide assistance to eligible  
3 Guard members who enroll in a technology center school. Subject to  
4 the availability of funds, the amount of assistance shall be  
5 equivalent to the amount of tuition for a career and technology  
6 program in which the eligible Guard member is enrolled leading to  
7 certification or licensure, not to exceed a maximum of three (3)  
8 years.

9 2. Assistance provided pursuant to this section shall be  
10 granted without any limitation other than the amount of funds  
11 available for the program and the number of eligible Guard members  
12 who apply, subject to any cap established by the Military Department  
13 of the State of Oklahoma.

14 3. Assistance allowed by this section shall not be allowed for  
15 courses taken in excess of the requirements for completion of a  
16 technology center school program leading to certification or  
17 licensure.

18 D. Assistance provided pursuant to this section shall be  
19 allocated to the technology center school from the Oklahoma National  
20 Guard CareerTech Assistance Revolving Fund created pursuant to this  
21 section.

22 E. To be eligible to apply for the program, a Guard member  
23 shall:  
24

1        1. Have at least one (1) year remaining on his or her  
2 enlistment contract at the beginning of any semester for which the  
3 member applies for assistance pursuant to this section;

4        2. Agree in writing to complete his or her current service  
5 obligation in the Oklahoma National Guard; and

6        3. Agree in writing to serve actively in good standing with the  
7 Oklahoma National Guard for not less than twenty-four (24) months  
8 after completion of the last semester for which the member receives  
9 assistance pursuant to this section.

10       F. To retain eligibility for the program, an eligible Guard  
11 member shall:

12       1. Maintain good academic standing and satisfactory progress  
13 according to standards of the technology center school in which the  
14 member is enrolled;

15       2. Maintain the requirements for retention and completion as  
16 established by the technology center school in which the member is  
17 enrolled;

18       3. Maintain a minimum grade point average of 2.0 on a 4.0  
19 scale;

20       4. Maintain satisfactory participation in the Oklahoma National  
21 Guard; and

22       5. Possess a Military Occupational Specialty (MOS) or Air Force  
23 Specialty Code (AFSC) after his or her first semester.

1       G. An eligible Guard member seeking assistance pursuant to the  
2 provisions of this section shall submit an application on a form  
3 prescribed by the Military Department of the State of Oklahoma to  
4 the Educational Service Office of the Military Department prior to  
5 the semester for which assistance is sought. The eligible Guard  
6 member's Commander or his or her designee shall confirm a member's  
7 standing and eligibility to the technology center school in which  
8 the student is enrolled. The Military Department may establish a  
9 cap on the number of eligible Guard members allowed to participate  
10 per semester per technology center school program.

11       H. The eligible Guard member's Commander may deny an  
12 application submitted by an eligible Guard member for continued  
13 program assistance if he or she fails to comply with the provisions  
14 of paragraph 1, 2, 3, 4, or 5 of subsection F of this section.

15       I. An eligible Guard member who has received program assistance  
16 pursuant to the provisions of this section and who fails to comply  
17 with the provisions of paragraph 4 of subsection F of this section  
18 shall be required to repay an amount to be calculated as follows:

19       1. Determine the total amount of assistance provided pursuant  
20 to the provisions of this section;

21       2. Divide the amount determined in paragraph 1 of this  
22 subsection by twenty-four (24); and

23       3. Multiply the amount determined in paragraph 2 of this  
24 subsection by the number of months the member did not fulfill the

1 requirements of paragraph 4 of subsection F of this section.

2 Repayments shall be deposited into the Oklahoma National Guard  
3 CareerTech Assistance Revolving Fund created pursuant to section.

4 J. An eligible Guard member who has received program assistance  
5 pursuant to the provisions of this section and who fails to comply  
6 with the provisions of paragraph 4 of subsection F of this section  
7 due to hardship circumstances may request a waiver from repayment.  
8 A waiver request shall be submitted in writing to the Adjutant  
9 General.

10 K. By July 1 annually, the State Board of Career and Technology  
11 Education shall notify the Adjutant General of the amount of funding  
12 available in the Oklahoma National Guard CareerTech Assistance  
13 Revolving Fund created pursuant to Section 22 of this act.

14 L. The State Board of Career and Technology Education shall  
15 promulgate rules to implement the provisions of this act, including  
16 deadlines for submission of applications required by subsection G of  
17 this section. The Military Department of the State of Oklahoma  
18 shall promulgate rules and regulations pertaining to the application  
19 process and the determination of eligibility for the program. The  
20 Board and the Department shall coordinate the promulgation of rules  
21 and regulations, respectively. The Adjutant General may promulgate  
22 regulations to implement the provisions of this act.

1       SECTION 21.       NEW LAW       A new section of law to be codified

2 in the Oklahoma Statutes as Section 14-140.1 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4       A. Subject to the provisions of this section, the Adjutant  
5 General may permit a qualifying member described in Section 18 of  
6 this act who is entitled to education assistance under this act to  
7 elect to transfer to one or more of the dependents specified in  
8 subsection C of this section a portion of such individual's  
9 entitlement to such assistance, subject to the limitation under  
10 subsection D of this section.

11       B. An individual referred to in subsection A of this section is  
12 any member of the uniformed services who, at the time of the  
13 approval of the individual's request to transfer entitlement to  
14 educational assistance under this section, has completed at least:

15       1. Six (6) years of service in the Oklahoma National Guard and  
16 enters into an agreement to serve at least four (4) more years as a  
17 member of the uniformed services; or

18       2. The years of service as determined in regulations pursuant  
19 to subsection J of this section.

20       C. Eligible dependents.

21       1. An individual approved to transfer an entitlement to  
22 educational assistance under this section may transfer the  
23 individual's entitlement to an eligible dependent or a combination  
24 of eligible dependents.

1        2. For purposes of this subsection, the term "eligible  
2 dependent" has the meaning given the term "dependent" under  
3 subparagraphs A, D, and I of Section 1072(2) of Title 10 of the  
4 United States Code.

5        D. Limitation of months of transfer.

6        The total number of months of entitlement transferred by an  
7 individual under this section may not exceed thirty-six (36) months.  
8 The Adjutant General may prescribe regulations that would limit the  
9 months of entitlement that may be transferred under this section to  
10 no less than eighteen (18) months.

11        E. Designation of transferee. An individual transferring an  
12 entitlement to education assistance under this section shall:

13        1. Designate the dependent or dependents to whom such  
14 entitlement is being transferred; and

15        2. Designate the number of months of such entitlement to be  
16 transferred to such dependent.

17        F. Time for transfer; revocation and modification:

18        1. Subject to the time limitation for use of entitlement under  
19 this act, and except as provided in subsection K or L of this  
20 section, an individual approved to transfer entitlement to  
21 educational assistance under this section may transfer such  
22 entitlement only while serving as a member of the Oklahoma National  
23 Guard when the transfer is executed.

1        2. An individual transferring entitlement under this section  
2 may modify or revoke at any time the transfer of any unused portion  
3 of the entitlement so transferred. The modification or revocation  
4 of the transfer of entitlement under this subsection shall be made  
5 by the submittal of written notice of the action to the Adjutant  
6 General and Governor.

7        3. Entitlement transferred under this section may not be  
8 treated as marital property, or the asset of a marital estate,  
9 subject to division in a divorce or other civil proceeding.

10       G. A dependent to whom entitlement to educational assistance is  
11 transferred under this section may not commence the use of the  
12 transferred entitlement until:

13       1. In the case of entitlement transferred to a spouse, the  
14 completion by the individual making the transfer of at least:

- 15           a. six (6) years of service in the National Guard, or  
16           b. the years of service as determined in regulations  
17           pursuant to subsection J of this section; or

18       2. In the case of entitlement transferred to a child, both:

- 19           a. the completion by the individual making the transfer  
20           of at least:

21           (1) six (6) years of service in the National Guard,  
22           or

23           (2) the years of service as determined in regulations  
24           pursuant to subsection J of this section, or



1           b.    either:

2               (1)   the completion by the child of the requirements  
3                   of a secondary school diploma (or equivalency  
4                   certificate), or

5               (2)   the attainment by the child of eighteen (18)  
6                   years of age.

7           H.   Additional Administrative Matters.

8           1.   The use of any entitlement to educational assistance  
9 transferred under this section shall be charged against the  
10 entitlement of the individual making the transfer at the rate of one  
11 (1) month for each month of transferred entitlement that is used.

12          2.   Except as provided under paragraph 2 of subsection E of this  
13 section and subject to paragraphs 5 and 6 of this subsection:

14           a.   in the case of entitlement transferred to a spouse  
15               under this section, the spouse is entitled to  
16               educational assistance under this chapter in the same  
17               manner as the individual from whom the entitlement was  
18               transferred as if the individual were not on active  
19               duty,

20           b.   in the case of entitlement transferred to a child  
21               under this section, the child is entitled to  
22               educational assistance under this act in the same  
23               manner as the individual from whom the entitlement was  
24

1 transferred as if the individual were not on active  
2 duty.

3 3. The monthly rate of education assistance payable to a  
4 dependent to whom entitlement referred to in paragraph 2 of this  
5 subsection is transferred under this section shall be payable:

6 a. in the case of a spouse, at the same rate as such  
7 entitlement would otherwise be payable under this act  
8 to the individual making the transfer as if the  
9 individual were not on active duty, and

10 b. in the case of a child, at the same rate as such  
11 entitlement would otherwise be payable under this act  
12 to the individual making the transfer as if the  
13 individual were not on active duty.

14 4. Death of transferor: The death of an individual  
15 transferring an entitlement under this section shall not affect the  
16 use of the entitlement by the dependent to whom the entitlement is  
17 transferred.

18 a. Death prior to transfer to designated transferees: In  
19 the case of an eligible individual whom the Adjutant  
20 General has approved to transfer the individual's  
21 entitlement under this section who, at the time of  
22 death, is entitled to educational assistance under  
23 this act and has designated a transferee or  
24 transferees under subsection E of this section but has

1 not transferred all of such entitlement to such  
2 transferee or transferees, the Adjutant General shall  
3 transfer the entitlement of the individual under this  
4 section by evenly distributing the amount of such  
5 entitlement between all such transferees who would not  
6 be precluded from using some or all of the transferred  
7 benefits due to the expiration of time limitations  
8 found in paragraph 5 of this subsection  
9 notwithstanding the limitations under subsection F of  
10 this section.

11 b. If a transferee cannot use all of the transferred  
12 benefits under subparagraph a of this subsection  
13 because of expiration of a time limitation, the unused  
14 benefits will be distributed among the other  
15 designated transferees who would not be precluded from  
16 using some or all of the transferred benefits due to  
17 expiration of time limitations found in paragraph 5 of  
18 this subsection, unless or until there are no  
19 transferees who would not be precluded from using the  
20 transferred benefits because of expiration of a time  
21 limitation.

22 5. Limitation on age of use by child transferees.

23 a. In general. A child to whom entitlement is  
24 transferred under this section may use the benefits

1 transferred without regard to the fifteen-year  
2 delimiting date specified in this act, but may not,  
3 except as provided in subparagraph b or c of this  
4 paragraph, use any benefits so transferred after  
5 attaining the age of twenty-six (26) years.

6 b. Primary caregivers of seriously injured members of the  
7 armed forces and veterans.

8 (1) In general. Subject to division (2) of this  
9 subparagraph, in the case of a child who, before  
10 attaining the age of twenty-six (26) years, is  
11 prevented from pursuing a chosen program of  
12 education by reason of acting as the primary  
13 provider of personal care services for a veteran  
14 or member of the Oklahoma National Guard, the  
15 child may use the benefits beginning on the date  
16 specified in division (3) of this subparagraph  
17 for a period whose length is specified in  
18 division (4) of this subparagraph.

19 (2) Inapplicability for revocation.

20 Division (1) of this subparagraph shall not apply with  
21 respect to the period of an individual as a primary  
22 provider of personal care services if the period concludes  
23 with the revocation of the individual's designation as such  
24 a primary provider.

1                   (3) Date for commencement of use. The date specified  
2                   in this division for the beginning of the use of  
3                   benefits by a child under division (1) of this  
4                   subparagraph is the later of:

5                   (a) the date on which the child ceases acting as  
6                   the primary provider of personal care  
7                   services for the veteran or member concerned  
8                   as described in division (1) of this  
9                   subparagraph,

10                  (b) the date on which it is reasonably feasible,  
11                   as determined under regulations prescribed  
12                   by the Adjutant General, for the child to  
13                   initiate or resume the use of benefits, or

14                  (c) the date on which the child attains the age  
15                   of twenty-six (26) years.

16                  6. Length of use. The length of the period specified in this  
17                  paragraph for the use of benefits by a child under division (1) of  
18                  subparagraph b of paragraph 5 of this section is the length equal to  
19                  the length of the period that:

20                  a. begins on the date on which the child begins acting as  
21                   the primary provider of personal care services for the  
22                   veteran or member concerned as described in division  
23                   (1) of subparagraph b of paragraph 5 of this section,  
24                  and

1           b.   ends on the later of:

2               (1)   the date on which the child ceases acting as the  
3                   primary provider of personal care services for  
4                   the veteran or member as described in division  
5                   (1) of subparagraph b of paragraph 5 of this  
6                   section, or

7               (2)   the date on which it is reasonably feasible, as  
8                   so determined, for the child to initiate or  
9                   resume the use of benefits; or

10          c.   in any case in which the Adjutant General determines  
11               that an individual to whom entitlement is transferred  
12               under this section has been prevented from pursuing  
13               the individual's chosen program of education before  
14               the individual attains the age of twenty-six (26)  
15               years because the educational institution or training  
16               established closed (temporarily or permanently) under  
17               an established policy based on an executive order of  
18               the Governor or due to an emergency situation, the  
19               Adjutant General shall extend the period during which  
20               the individual may use such entitlement for a period  
21               equal to the number of months that the individual was  
22               so prevented from pursuing the program of education,  
23               as determined by the Adjutant General.

1        7. The purposes for which a dependent to whom entitlement is  
2 transferred under this section may use such entitlement shall  
3 include the pursuit and completion of the requirements of a  
4 secondary school diploma (or equivalency certificate).

5        8. The administrative provisions of this act shall apply to the  
6 use of entitlement transferred under this section, except that the  
7 dependent to whom the entitlement is transferred shall be treated as  
8 the eligible individual for purposes of such provisions.

9        I. Overpayment.

10       1. Subject to paragraph 2 of this subsection, in the event of  
11 an overpayment of educational assistance with respect to a dependent  
12 to whom entitlement is transferred under this section, the dependent  
13 and the individual making the transfer shall be jointly and  
14 severally liable to the State of Oklahoma for the amount of the  
15 overpayment.

16       2. Failure to complete service agreement.

17       a. Except as provided in subparagraph b of this  
18 paragraph, if an individual transferring entitlement  
19 under this section fails to complete the service  
20 agreed to by the individual under division (1) of  
21 subsection b of this paragraph in accordance with the  
22 terms of the agreement of the individual under that  
23 subsection, the amount of any transferred entitlement  
24 under this section that is used by a dependent of the

1 individual as of the date of such failure shall be  
2 treated as an overpayment of educational assistance  
3 for which the individual shall be solely liable to the  
4 State of Oklahoma for the amount of the overpayment  
5 for purpose of this act in the case of an individual  
6 who fails to complete service agreed to by the  
7 individual:

8 (1) by reason of death of the individual, or

9 (2) for a reason referred to in this act.

10 J. Regulations.

11 1. The Adjutant General shall prescribe regulations for  
12 purposes of this section.

13 2. Such regulations shall specify:

14 a. the manner of authorizing the transfer of entitlements  
15 under this section,

16 b. the eligibility criteria in accordance with subsection  
17 B of this section, and

18 c. the manner and effect of an election to modify or  
19 revoke a transfer of entitlement under paragraph 2 of  
20 subsection F of this section.

21 3. The Adjutant General may not prescribe any regulation that  
22 would provide for a limitation on eligibility to transfer unused  
23 education benefits to family members based on a maximum number of  
24 years in the Oklahoma National Guard.



1 K. In the case of a dependent to whom entitlement to  
2 educational assistance is transferred under this section who dies  
3 before using all of such entitlement, the individual who transferred  
4 the entitlement to the dependent may transfer any remaining  
5 entitlement to a different eligible dependent, notwithstanding  
6 whether the individual is serving as a member of the Armed Forces  
7 when such transfer is executed.

8 L. In the case of an individual who transfers entitlement to  
9 educational assistance under this section who dies before the  
10 dependent to whom entitlement to educational assistance is so  
11 transferred has used all of such entitlement, such dependent may  
12 transfer such entitlement to another eligible dependent in  
13 accordance with the provisions of this section.

14 SECTION 22. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 14-141 of Title 70, unless there  
16 is created a duplication in numbering, reads as follows:

17 There is hereby created in the State Treasury a revolving fund  
18 for the State Board of Career and Technology Education to be  
19 designated the "Oklahoma National Guard CareerTech Assistance  
20 Revolving Fund". The fund shall be a continuing fund, not subject  
21 to fiscal year limitations, and shall consist of all monies received  
22 by the State Board of Career and Technology Education from state  
23 appropriations provided for the purpose of implementing the  
24 provisions of Sections 18 and 19 of this act. All monies accruing

1 to the credit of the fund are hereby appropriated and may be  
2 budgeted and expended by the State Board of Career and Technology  
3 Education for the purpose of providing assistance to eligible Guard  
4 members pursuant to the provisions of Section 19 of this act.  
5 Expenditures from the fund shall be made upon warrants issued by the  
6 State Treasurer against claims filed as prescribed by law with the  
7 Director of the Office of Management and Enterprise Services for  
8 approval and payment.

9 SECTION 23. REPEALER 44 O.S. 2021, Section 940B, is  
10 hereby repealed.

11 SECTION 24. This act shall become effective November 1, 2025.

12 Passed the House of Representatives the 20th day of May, 2025.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Presiding Officer of the Senate

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