

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 60th Legislature (2025)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 2118

By: Kannady of the House

and

**Woods** of the Senate

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10                               COMMITTEE SUBSTITUTE

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

1 convening of court-martial; establishing guidelines  
2 for convening of court-martial by federal officials;  
3 amending 44 O.S. 2021, Section 875, which relates to  
4 restoration under a court-martial sentence; modifying  
5 Governor's authority to reappoint a dismissed officer  
6 or member; establishing procedure for pay eligibility  
7 during court-martial sentence; amending 44 O.S. 2021,  
8 Section 905, which relates to forger; establishing  
9 definition and penalty for forgery; amending 44 O.S.  
10 2021, Section 912, which relates to drunkenness and  
11 other incapacitation offenses; modifying references;  
12 amending 44 O.S. 2021, Section 912a, which relates to  
13 wrongful use and possession of a controlled  
14 substance; prohibiting the use of marijuana by  
15 Oklahoma military forces; amending 44 O.S. 2021,  
16 Section 928b, which relates to domestic violence;  
17 establishing penalties for spousal abuse and intimate  
18 partner violence by members of the Oklahoma Militia;  
19 amending 44 O.S. 2021, Section 934, which relates to  
20 general offenses; encompassing all specifically  
21 enumerated offenses in Section 934 of Title 10 of the  
22 United States Code; amending 44 O.S. 2021, Section  
23 937, which relates to the explanation of articles;  
24 modifying timeframe to explain articles; adopting the  
Manual for Courts-Martial, United States, as the  
Oklahoma State Manual for Courts-Martial;  
establishing the "Benajmin T. Walkingstick National  
Guard Complex" building; repealing 44 O.S. 2021,  
Section 940b, which relates to military publications;  
establishing guidelines for convening of court  
martial by federal officials; 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;

1 directing certain notification on available funding;  
2 providing for promulgation of rules and regulations;  
3 directing coordination of rules and regulations;  
4 creating the Oklahoma National Guard CareerTech  
5 Assistance Revolving Fund; specifying source of fund;  
6 providing for expenditures; providing purpose of  
7 fund; providing for transfer of benefits for  
8 dependents; providing for codification; and providing  
9 an effective date.

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

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

13 Section 21. The Military Department of the State of Oklahoma is  
14 hereby established and shall be under the command and control of the  
15 Governor as Commander in Chief, with the Adjutant General as the  
16 executive and administrative head thereof. The Military Department  
17 shall be constituted of the state military forces, as defined by  
18 Section 801 of this title, and is hereby organized into a joint  
19 headquarters which shall be identified as the joint forces  
20 headquarters. The joint forces headquarters shall be jointly  
21 staffed by Army National Guard and Air National Guard personnel who,  
22 under the authority and direction of the Adjutant General, shall  
23 support and assist the Adjutant General in the exercise of command  
24 and control over state military forces when not activated for  
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) 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. When prescribing the rules and regulations governing  
4 enlistment, organization, administration, equipment, discipline and  
5 discharge of the personnel of the Oklahoma ~~State~~ National Guard, the  
6 Governor shall issue such rules and regulations in the form of an  
7 executive order or in a series of such orders. An executive order  
8 or a series of such orders prescribing the rules and regulations  
9 governing enlistment, organization, administration, equipment,  
10 discipline and discharge of the personnel of the Oklahoma ~~State~~  
11 National Guard shall also be published by the Adjutant General as a  
12 military publication.

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

15 Section 815. ARTICLE 15. Commanding officer's nonjudicial  
16 punishment.

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

22 B. Any ~~superior commander~~ commanding officer may limit or  
23 withhold the exercise of nonjudicial punishment authority by  
24 subordinate commanders, including limiting authority over certain

1 categories of military personnel or offenses. Likewise, individual  
2 cases may be reserved by a superior commander. A superior authority  
3 may limit or withhold any power that a subordinate might otherwise  
4 exercise under this section.

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

10 D. ~~Any~~ Except as provided in subsection S of this section, any  
11 commanding officer may impose upon enlisted members of the officer's  
12 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 pay of not more than seven (7) days' pay;

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

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

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

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

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

7            1. An admonition;

8            2. A reprimand;

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

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

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

14           6. A reduction to the lowest or any intermediate pay grade, if  
15 the grade from which demoted is within the promotion authority of  
16 the commanding officer imposing the reduction or any officer  
17 subordinate to the one who imposes the reduction, but an enlisted  
18 member in a pay grade above E-4 shall not be reduced more than two  
19 pay grades;

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

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

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

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

4 a. any punishment authorized in subsection E of this  
5 section, except for the punishments provided in  
6 paragraphs 6 and 7 of subsection E of this section,  
7 and

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

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

12 Admonitions or reprimands given as nonjudicial punishment to  
13 commissioned officers and warrant officers shall be administered in  
14 writing. In all other cases, unless otherwise prescribed by  
15 regulations promulgated by the Adjutant General, such punishments  
16 may be administered either orally or in writing.

17 G. Whenever any punishments are combined to run consecutively,  
18 the total length of the combined punishment shall not exceed the  
19 authorized duration of the longest punishment included in the  
20 combination, and there shall be an apportionment of punishments so  
21 that no single punishment in the combination exceeds its authorized  
22 length under this section.

23 H. Once the ~~commander~~ commanding officer has determined that  
24 nonjudicial punishment is appropriate, the ~~commander~~ commanding

1 officer shall provide reasonable notice to the member of his or her  
2 intent to impose nonjudicial punishment. At the time the ~~commander~~  
3 commanding officer provides notification as required in this  
4 subsection, the member shall be entitled to examine all statements  
5 and other evidence that the commander has examined and intends to  
6 rely upon as the basis for punishment. The member shall be provided  
7 a copy of the documentary evidence unless it is privileged,  
8 classified, or otherwise restricted by law, regulation, or  
9 instruction. At the time the ~~commander~~ commanding officer provides  
10 notification as required in this subsection, the ~~commander~~  
11 commanding officer shall also inform the member as to the quantum of  
12 punishment potentially to be imposed. While a member undergoing  
13 nonjudicial punishment is not entitled to representation by a duly  
14 appointed defense counsel, the member may seek legal advice from any  
15 judge advocate available for this purpose. Upon notification by the  
16 officer of his or her intent to impose judicial punishment, the  
17 member shall provide a response within forty-five (45) calendar  
18 days.

19 I. The right to demand trial by court-martial in lieu of  
20 nonjudicial punishment shall arise only when arrest in quarters or  
21 restriction will be considered as punishments. If the commanding  
22 officer determines that arrest in quarters or restriction will be  
23 considered as punishments, prior to the offer of nonjudicial  
24 punishment the ~~accused~~ member shall be notified in writing of the

1 right to demand trial by court-martial. Should the commanding  
2 officer determine that the punishment options will not include  
3 arrest in quarters or restriction, the ~~accused~~ member shall be  
4 notified that there is no right to trial by court-martial in lieu of  
5 nonjudicial punishment. Upon notification by the ~~commander or~~  
6 ~~officer in charge~~ commanding officer of his or her intent to impose  
7 nonjudicial punishment that includes arrest in quarters or  
8 restriction, the ~~accused~~ member shall be afforded a reasonable  
9 amount of time to confer with legal counsel and to prepare a  
10 response.

11 J. The commanding officer who imposes the punishment, or his or  
12 her successor in command, may at any time suspend, set aside,  
13 mitigate or remit any part or amount of the punishment and restore  
14 all rights, privileges and property affected. The commanding  
15 officer may also mitigate:

- 16 1. Reduction in grade to forfeiture of pay;
- 17 2. Arrest in quarters to restriction; or
- 18 3. Extra duties to restriction.

19 The mitigated punishment shall not be for a greater period than the  
20 punishment mitigated. When mitigating reduction in grade to  
21 forfeiture of pay, the amount of the forfeiture shall not be greater  
22 than the amount that could have been imposed initially under this  
23 article by the officer who imposed the punishment mitigated.

24



1 K. A person punished under this section who considers the  
2 punishment unjust or disproportionate to the offense may, through  
3 his or her chain of command, appeal to a senior officer designated  
4 by the Adjutant General to adjudicate appeals arising from  
5 nonjudicial punishment. A senior officer so designated by the  
6 Adjutant General shall be a member of the same component of the  
7 state military forces as the accused. An appeal made pursuant to  
8 this subsection shall be lodged within fifteen (15) days after the  
9 punishment is announced to the ~~accused~~ member. The commanding  
10 officer exercising appellate authority may, at his or her  
11 discretion, extend the deadline for an appeal. The appeal shall be  
12 promptly forwarded and decided, and the member shall not be punished  
13 until the appeal is decided. The senior officer designated by the  
14 Adjutant General as exercising appellate authority may exercise the  
15 same powers with respect to the punishment imposed as may be  
16 exercised under subsection I of this section by the officer who  
17 imposed the punishment. Before acting on an appeal from a  
18 punishment, the senior officer exercising appellate authority shall  
19 refer the case to a judge advocate for consideration and advice.  
20 When a senior officer is designated by the Adjutant General to  
21 adjudicate appeals arising from nonjudicial punishment, such  
22 designation shall be accomplished in writing and shall be considered  
23 a military publication, as defined in Section 801 of this title  
24 (Article 1).

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

18 M. Whenever nonjudicial punishment is imposed under this  
19 section:

20 1. After adjudication and while the punishment is being carried  
21 out or while the adjudged punishment is pending before the appellate  
22 authority, the commander or officer in charge who imposed the  
23 nonjudicial punishment, upon the request of the ~~accused~~ member, may:  
24

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

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

5           2.    If necessary to maintain good order and discipline within  
6 the unit, the ~~commander or officer in charge~~ commanding officer who  
7 imposed the nonjudicial punishment may order the ~~accused~~ member to  
8 drill on alternate dates and in alternate locations. The order  
9 shall be reduced to writing and shall become part of the record of  
10 nonjudicial punishment.

11           N.    The imposition and enforcement of disciplinary punishment  
12 under this section for any act or omission shall not be a bar to  
13 trial by court-martial or a civilian court of competent jurisdiction  
14 for a crime or offense arising out of the same act or omission; but  
15 the fact that a disciplinary punishment has been enforced may be  
16 demonstrated by the ~~accused~~ member upon trial and, when so  
17 demonstrated, it shall be considered in determining the measure of  
18 punishment to be adjudged in the event of a finding or verdict of  
19 guilty. Nonjudicial punishment shall not be imposed for an offense  
20 previously tried by a civilian court unless so authorized by  
21 regulations promulgated by the Adjutant General.

22           O.    When nonjudicial punishment has been imposed for an offense,  
23 punishment shall not again be imposed for the same offense under  
24 this section. Once nonjudicial punishment has been imposed, it may

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

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

18 Q. Whenever a punishment of forfeiture of pay is imposed under  
19 this section, the forfeiture shall not apply to pay accruing before  
20 the date that punishment is imposed, but only pay accruing on or  
21 after the date that punishment is imposed.

22 R. The Adjutant General may promulgate regulations prescribing  
23 the type and form of records to be kept of proceedings conducted  
24 pursuant to this section. The Adjutant General may promulgate any

1 other regulations necessary to carry out the provisions of this  
2 section.

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

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

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

16 In no case shall the President of the United States, the  
17 Secretary of Defense, the secretary of a military department, a  
18 military officer serving on active duty within the meaning of Title  
19 10 of the United States Code, or any other federal official convene  
20 a court-martial proceeding pursuant to the Oklahoma Military Code  
21 unless prior consent has been granted by the Governor. Such  
22 consent, if granted by the Governor, shall be accomplished in  
23 writing and shall be published by the Governor.

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

3       Section 875. ARTICLE 75. Restoration.

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

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

16       C. If a previously executed sentence of dismissal is not  
17 imposed on a new trial, the Adjutant General shall substitute  
18 therefor a form of discharge authorized for administrative issue,  
19 and the commissioned officer dismissed by that sentence may be  
20 reappointed ~~pursuant to Sections 875 and 12203 of Title 10 of the~~  
21 ~~United States Code and any applicable regulations prescribed~~  
22 ~~thereunder by the President of the United States or the Secretary~~  
23 ~~concerned~~ solely by the Governor to such commissioned grade and with  
24 such rank as in the opinion of the Governor that former officer

1 would have attained had he or she not been dismissed. The  
2 reappointment of such a former officer shall be without regard to  
3 the existence of a vacancy and shall affect the promotion status of  
4 other officers only insofar as the Governor may direct. All time  
5 between the dismissal and the reappointment shall be considered as  
6 actual service for all purposes, including the right to pay and  
7 allowances.

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

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

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

16 Any person subject to the Oklahoma Uniform Code of Military  
17 Justice who, with intent to defraud:

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

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

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

3       Section 912. Drunkenness and other incapacitation offenses.

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

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

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

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

16       Section 912a. Wrongful use, possession, etc., of controlled  
17 substances.

18       A. Any person subject to the Oklahoma Uniform Code of Military  
19 Justice who wrongfully uses, possesses, manufactures, distributes,  
20 imports into the customs territory of the United States, exports  
21 from the United States, or introduces into an installation, vessel,  
22 vehicle, or aircraft used by or under the control of the Armed  
23 Forces of the United States or of the state military forces a  
24



substance described in subsection B of this section shall be punished as a court-martial may direct.

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

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

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

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

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

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

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

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

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

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

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

20       Section 934.   ARTICLE 134 General Article.

21       Though not specifically mentioned in the Oklahoma Uniform Code  
22 of Military Justice, all disorders and neglects to the prejudice of  
23 good order and discipline in the state military forces, all conduct  
24 of a nature to bring discredit upon the state military forces, and

1 crimes and offenses not capital, of which persons subject to the  
2 Code may be guilty, shall be taken cognizance of by a general,  
3 special, or summary court-martial, according to the nature and  
4 degree of the offense, and shall be punished at the discretion of  
5 that court. However, where a crime constitutes an offense that  
6 violates both the Code and the criminal laws of the State of  
7 Oklahoma, jurisdiction over the offense shall be determined in  
8 accordance with Section 802 of this title (Article 2). This section  
9 shall encompass all specifically enumerated offenses included in  
10 Section 934 of Title 10 of the United States Code, including all  
11 amendments thereto adopted from time to time, except when such  
12 provisions are contrary to or inconsistent with the Code.

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

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

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

22 2. Such articles shall be explained again:

23 a. after the enlisted member has completed basic or  
24 recruit training, and

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

3           3.   This subsection applies with respect to Sections 802, 803,  
4   807-815, 825, 827, 831, 837, 838, 855, 877-934, and 937-939 of this  
5   title (Articles 2, 3, 7-15, 25, 27, 31, 37, 38, 55, 77-134, and 137-  
6   139).

7           B.   The text of the Code and of the regulations prescribed  
8   pursuant to the Code shall be made available to an officer or  
9   enlisted member of the state military forces, upon request, for the  
10   officer's or enlisted member's personal examination. Electronic or  
11   online availability of the Code and of the regulations prescribed  
12   pursuant to the Code shall constitute availability for purposes of  
13   personal examination by officers or enlisted members of the state  
14   military forces.

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

18          ARTICLE 140C.   Manual for Courts-Martial.

19          Manual for Courts-Martial, United States, including all  
20   amendments thereto adopted from time to time, except when such rules  
21   are contrary to or inconsistent with the Oklahoma Uniform Code of  
22   Military Justice, shall be adopted as the Oklahoma State Manual for  
23   Courts-Martial.

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

4       The co-located readiness and joint operating center facilities  
5 constructed by the Military Department or on behalf of the Military  
6 Department shall be named the "Benjamin T. Walkingstick National  
7 Guard Complex".

8       SECTION 18.       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. This act shall be known and may be cited as the "Oklahoma  
12 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  
21 Section 2 of this act.

22 E. To be eligible to apply for the program, an eligible Guard  
23 member 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 of 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 2  
4 of this act.

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

11 K. By July 1 annually, the State Board of Career and Technology  
12 Education shall notify the Adjutant General of the amount of funding  
13 available in the Oklahoma National Guard CareerTech Assistance  
14 Revolving Fund created pursuant to Section 2 of this act.

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

24

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-140.1 of Title 44, unless there is created a duplication in numbering, reads as follows:

A. Subject to the provisions of this section, the Adjutant General may permit a qualifying member described in Section 18 of this act who is entitled to education assistance under this act to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individuals entitlement to such assistance, subject to the limitation under subsection (d).

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

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

2. The years of service as determined in regulations pursuant to subsection J.

C. Eligible dependents.

1. Transfer - an individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement to an eligible dependent or a combination of eligible dependents.

1        2. Definition of eligible dependents - for purposes of this  
2 subsection, the term "eligible dependent" has the meaning given the  
3 term "dependent" under subparagraphs (a), (I), and (d) of section  
4 1072(2) of Title 10 of the United States Code.

5        D. Limitation of months of transfer - the total number of  
6 months of entitlement transferred by an individual under this  
7 section may not exceed 36 months. The Adjutant General may  
8 prescribe regulations that would limit the months of entitlement  
9 that may be transferred under this section to no less than 18  
10 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), an  
20 individual approved to transfer entitlement to educational  
21 assistance under this section may transfer such entitlement only  
22 while serving as a member of the Oklahoma National Guard when the  
23 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); 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), 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 month for each month of transferred entitlement that is used.

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

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) is  
5 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  
8 chapter to the individual making the transfer as if  
9 the individual were not on active duty.

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

14 4. Death of transferor:

15 1. In general. The death of an individual transferring an  
16 entitlement under this section shall not affect the use of the  
17 entitlement by the dependent to whom the entitlement is transferred.

18 2. Death prior to transfer to designated transferees.

19 a. In the case of an eligible individual whom the  
20 Secretary 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 chapter and has designated a transferee or  
24 transferees under subsection E but has not transferred

1 all of such entitlement to such transferee or  
2 transferees, the Secretary shall transfer the  
3 entitlement of the individual under this section by  
4 evenly distributing the amount of such entitlement  
5 between all such transferees who would not be  
6 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.

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

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

22 a. In general. A child to whom entitlement is  
23 transferred under this section may use the benefits  
24 transferred without regard to the fifteen-year

1 delimiting date specified in this act, but may not,  
2 except as provided in subparagraph b or c, use any  
3 benefits so transferred after attaining the age of  
4 twenty-six (26) years.

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

7 (1) In general. Subject to clause (ii), in the case  
8 of a child who, before attaining the age of 26  
9 years, is prevented from pursuing a chosen  
10 program of education by reason of acting as the  
11 primary provider of personal care services for a  
12 veteran or member of the Oklahoma National Guard,  
13 the child may use the benefits beginning on the  
14 date specified in clause (iii) for a period whose  
15 length is specified in clause (iv).

16 (2) Inapplicability for revocation.

17 Clause (i) shall not apply with respect to the period of an  
18 individual as a primary provider of personal care services if the  
19 period concludes with the revocation of the individual's designation  
20 as such a primary provider.

21 (3) Date for commencement of use.—The date specified  
22 in this clause for the beginning of the use of  
23 benefits by a child under clause (i) is the later  
24 of



- 1 (a) the date on which the child ceases acting as  
2 the primary provider of personal care  
3 services for the veteran or member concerned  
4 as described in clause (i),  
5 (b) the date on which it is reasonably feasible,  
6 as determined under regulations prescribed  
7 by the Secretary, for the child to initiate  
8 or resume the use of benefits, or  
9 (c) the date on which the child attains the age  
10 of twenty-six (26) years.

11 4. Length of use. The length of the period specified in this  
12 clause for the use of benefits by a child under clause (i) is the  
13 length equal to the length of the period that—

- 14 a. begins on the date on which the child begins acting as  
15 the primary provider of personal care services for the  
16 veteran or member concerned as described in clause  
17 (i), and  
18 b. ends on the later of:  
19 (1) the date on which the child ceases acting as the  
20 primary provider of personal care services for  
21 the veteran or member as described in clause (i),  
22 or  
23  
24

1           (2) the date on which it is reasonably feasible, as  
2           so determined, for the child to initiate or  
3           resume the use of benefits.

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

18          6. The purposes for which a dependent to whom entitlement is  
19          transferred under this section may use such entitlement shall  
20          include the pursuit and completion of the requirements of a  
21          secondary school diploma (or equivalency certificate).

22          7. The administrative provisions of this act shall apply to the  
23          use of entitlement transferred under this section, except that the  
24

1 dependent to whom the entitlement is transferred shall be treated as  
2 the eligible individual for purposes of such provisions.

3 I. Overpayment.

4 1. Subject to paragraph 2, in the event of an overpayment of  
5 educational assistance with respect to a dependent to whom  
6 entitlement is transferred under this section, the dependent and the  
7 individual making the transfer shall be jointly and severally liable  
8 to the State of Oklahoma for the amount of the overpayment.

9 2. Failure to complete service agreement.

- 10 a. Except as provided in subparagraph b, if an individual  
11 transferring entitlement under this section fails to  
12 complete the service agreed to by the individual under  
13 subsection (b)(1) in accordance with the terms of the  
14 agreement of the individual under that subsection, the  
15 amount of any transferred entitlement under this  
16 section that is used by a dependent of the individual  
17 as of the date of such failure shall be treated as an  
18 overpayment of educational assistance for which the  
19 individual shall be solely liable to the State of  
20 Oklahoma for the amount of the overpayment for purpose  
21 of this act in the case of an individual who fails to  
22 complete service agreed to by the individual:
- 23 (1) by reason of death of the individual, or
  - 24 (2) for a reason referred to in this act.

1 J. Regulations.

2 1. The Adjutant General shall prescribe regulations for  
3 purposes of this section.

4 2. Such regulations shall specify:

- 5 a. the manner of authorizing the transfer of entitlements  
6 under this section,  
7 b. the eligibility criteria in accordance with subsection  
8 B, and  
9 c. the manner and effect of an election to modify or  
10 revoke a transfer of entitlement under paragraph 2 of  
11 subsection F.

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

16 K. In the case of a dependent to whom entitlement to  
17 educational assistance is transferred under this section who dies  
18 before using all of such entitlement, the individual who transferred  
19 the entitlement to the dependent may transfer any remaining  
20 entitlement to a different eligible dependent, notwithstanding  
21 whether the individual is serving as a member of the Armed Forces  
22 when such transfer is executed.

23 L. In the case of an individual who transfers entitlement to  
24 educational assistance under this section who dies before the

1 dependent to whom entitlement to educational assistance is so  
2 transferred has used all of such entitlement, such dependent may  
3 transfer such entitlement to another eligible dependent in  
4 accordance with the provisions of this section.

5 SECTION 20. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 14-141 of Title 70, unless there  
7 is created a duplication in numbering, reads as follows:

8 There is hereby created in the State Treasury a revolving fund  
9 for the State Board of Career and Technology Education to be  
10 designated the "Oklahoma National Guard CareerTech Assistance  
11 Revolving Fund". The fund shall be a continuing fund, not subject  
12 to fiscal year limitations, and shall consist of all monies received  
13 by the State Board of Career and Technology Education from state  
14 appropriations provided for the purpose of implementing the  
15 provisions of Section 1 of this act. All monies accruing to the  
16 credit of the fund are hereby appropriated and may be budgeted and  
17 expended by the State Board of Career and Technology Education for  
18 the purpose of providing assistance to eligible Guard members  
19 pursuant to the provisions of Section 1 of this act. Expenditures  
20 from the fund shall be made upon warrants issued by the State  
21 Treasurer against claims filed as prescribed by law with the  
22 Director of the Office of Management and Enterprise Services for  
23 approval and payment.

24

1       SECTION 21.       REPEALER       44 O.S. 2021, Section 940b, is  
2 hereby repealed.  
3       SECTION 22.   This act shall become effective November 1, 2025.  
4  
5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
6 OVERSIGHT, dated 03/06/2025 - DO PASS, As Amended and Coauthored.  
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