

## **Kansas Air and Army National Guard and Kansas Code of Military Justice Update; State Judge Advocate; SB 292**

**SB 292** creates law to authorize the appointment of a State Judge Advocate by the Adjutant General; creates and amends law related to death and disability benefits provided to Kansas Air and Army National Guard (Guard) members; and amends law throughout Chapter 48 of the Kansas Statutes Annotated to modernize statutory language, remove outdated statutes, and remove references to trial by court-martial.

The bill updates the Kansas Code of Military Justice (KCMJ). The bill consolidates language from various provisions of Chapter 48 of the Kansas Statutes Annotated into new sections of law and repeals those sections that have been consolidated or otherwise removed. The bill updates language in the remaining sections of the KCMJ to comply with the Uniform Code of Military Justice (UCMJ) and to modernize statutory phrasing. The bill also removes all references to, and sections concerning, trial by court-martial.

[*Note:* Three statutes contained in the KCMJ are not amended or repealed by the bill: KSA 48-3002, concerning who may be subject to the provisions of the KCMJ; KSA 48-3004, concerning convictions of lesser included offenses; and KSA 48-3113, providing the citation of the act.]

### ***State Judge Advocate***

The bill directs the Adjutant General, with the approval of the Governor, to appoint an officer of the state military forces as State Judge Advocate with the rank of colonel. The Adjutant General is also authorized to appoint as many assistants to the State Judge Advocate as deemed necessary. The bill requires appointees for the State Judge Advocate and appointees for assistants to the State Judge Advocate to meet the definition of “judge advocate” provided in continuing law.

If the Governor approves, the Adjutant General is authorized to promote a State Judge Advocate to the rank of brigadier general, provided that the State Judge Advocate has:

- Held the rank of colonel for at least 10 years; and
- Served 20 years or more of combined service in the Guard and the U.S. military forces.

### ***Death and Disability Benefits***

#### ***Annual Adjustments***

The bill adds provisions requiring the Military Disability Board (Board), beginning July 1, 2025, to adjust the statutory amount of death and disability benefits provided to Guard members every subsequent July 1 based on that year’s Consumer Price Index for All Urban Consumers (CPI-U) percentage increase. [*Note:* The CPI-U, published by the U.S. Bureau of Labor

Statistics, is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services and is based on the spending patterns of urban consumers.]

The bill amends law governing the Board to clarify it is required to meet at least annually to determine percentages for death and disability compensation. The bill also requires Board members be paid a per diem and permitted other allowances.

### *Monthly Benefit Increases*

The bill increases the monthly benefit awarded to Guard members with a 100 percent disability who are on state active duty to \$850 plus 12.5 percent of their monthly basic pay, changed from \$120 plus 12.5 percent of the member's monthly basic pay.

The bill also increases the monthly benefit for a surviving spouse of an eligible deceased member in the same manner as previously described. The bill increases monthly benefit amounts to surviving children of an eligible deceased member as follows:

- One child: \$545 (has been \$77);
- Two children: \$390 per child (has been \$55);
- Three children: \$340 per child (has been \$48);
- More than three children: For each child, an amount determined by dividing the sum of \$1,020 (has been \$144), plus the product of \$198 (has been \$28) times the number of children in excess of three, by the total number of children entitled to compensation.

### ***Authority of Adjutant General to Appoint Assistant Adjutants General***

The bill amends provisions concerning the appointment of Assistant Adjutants General to permit the Adjutant General to assign the number of Assistant Adjutants General, as authorized by the National Guard Bureau, who will serve at the pleasure of, and perform duties as assigned by, the Adjutant General. [Note: Prior law authorized the Adjutant General to appoint two Assistant Adjutants General.]

Under the bill, Assistant Adjutants General hold military rank as authorized and approved by the National Guard Bureau, and are required to have served at least five years as commissioned officers in the Guard at the time of their appointment. The bill requires the Adjutant General to designate one Assistant Adjutant General as the Senior Assistant Adjutant General, who will perform the Adjutant General's duties when the Adjutant General is absent or unable, or when such senior assistant is expressly directed to perform such duties.

The bill removes language pertaining to the Adjutant General's authority over state, federal, and public property, including the state arsenal. The bill also removes authority for the Adjutant General to appoint a finance and disbursing officer.

### ***U.S. Property and Disbursing Officer***

The bill replaces provisions outlining the duties of the finance and disbursing officer to instead provide for a U.S. Property and Disbursing Officer (Officer), whose position is to be appointed or assigned pursuant to federal National Guard regulations. The bill requires such Officer (and assistants, as necessary) to secure, receive, disburse, issue, record, and account for all federal funds and military property granted or loaned by the United States to Kansas for use by the Guard. The Officer performs additional duties and exercises power and authority as are assigned by the Adjutant General, or as vested in the Officer by federal regulation.

The bill further specifies that federal funds will be used to pay the salary of the Officer and the salaries of other employees necessary for the discharge of these duties. When such federal funds are not available, state funds will be used.

### ***Uniforms, Arms, and Equipment***

The bill removes the requirement that commissioned officers provide themselves with suitable uniforms and other equipment. The bill also removes the provision that non-commissioned officers be provided with uniforms and other equipment free of charge.

### ***Failure to Obey Lawful Orders***

The bill clarifies that officers and enlisted persons must obey lawful orders issued by commanding officers. The bill removes penalties for officers and enlisted persons who do not faithfully perform their duties.

### ***Establishment and Use of Armories***

The bill removes outdated references to meetings of the Grand Army of the Republic, the Spanish-American War Veterans, and their auxiliary organizations.

### ***Compensation of Guard Members after July 1, 1943***

The bill removes a pay schedule providing for specific amounts of compensation for various ranks after July 1, 1943, to instead provide such members will receive appropriate compensation as established by policy, guidance, or regulation.

### ***Trial by Court-martial***

The bill removes all references to trial by court-martial in statutes governing the Guard.

### ***Technical Amendments***

The bill makes technical amendments in Chapter 48 of the *Kansas Statutes Annotated* to modernize language and ensure consistency in statutory phrasing. The bill also amends law

concerning qualifications for service to exclude individuals punitively, rather than dishonorably, discharged from naval, air, or space military components of states or territories, Puerto Rico, or the District of Columbia.

### ***Prohibition on Confinement with Enemy Prisoners***

The bill prohibits the confinement of a member of the state military forces with foreign or domestic enemy prisoners or other foreign nationals who are not members of the Armed Forces.

### ***Appeal of Nonjudicial Punishment***

The bill outlines the appeal procedure when a person punished under the KCMJ considers the findings unsupported by the evidence or the punishment unjust or disproportionate to the offense.

The bill specifies, if the punishment relates to apprehension, a person is entitled to one appeal, but is not be entitled to any appeal under this section.

### ***Trial by Civilian Court***

The bill states disciplinary punishment for an act or omission under the KCMJ does not bar a trial by a civilian court for a serious crime or offense related to the same act or omission. Any disciplinary punishment under the KCMJ could be considered during a civilian trial and will be required to be considered in sentencing if the accused is found guilty.

### ***Prohibited Sexual Activity***

The bill outlines what constitutes prohibited sexual activity under the KCMJ. “Prohibited sexual activity” will mean, as specified in military regulations, inappropriate physical intimacy under circumstances described in such regulations. Such activity will be punished if occurring between:

- An officer in a training leadership position, as defined by the bill, and a specially protected junior member of the Armed Forces, as defined by the bill;
- A military recruiter, as defined by the bill, and an applicant for military service;
- A military recruiter and a specially protected junior member of the Armed Forces who is enlisted under a delayed entry program; or
- A military cadre and specially protected junior member of the Armed Forces who is enlisted under a delayed entry program.

The bill specifies consent will not be a defense for any conduct prohibited by the KCMJ pursuant to this section.

## ***Sexual Harassment***

The bill outlines what constitutes sexual harassment under the KCMJ. A person subject to the KCMJ will be punished if:

- Such person made sexual advances, demands, or requests for sexual favors or knowingly engaged in other conduct of a sexual nature;
- Such conduct was unwelcome; and
- Under the circumstances, such conduct:
  - Causes a reasonable person to believe, and such person did believe, that submission to such conduct will be made either explicitly or implicitly a term or condition of a person's job, pay, career, or entitlements;
  - Causes a reasonable person to believe, and such person did believe, that submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting such person's job, pay, career, benefits, or entitlements; or
  - Is so severe, repetitive, or pervasive that a reasonable person perceives, and such person did perceive, an intimidating, hostile, or offensive work environment.

## ***Conduct of Sentinel or Lookout***

The bill directs punishment against a sentinel or lookout who is drunk, sleeps, or leaves while on post before being regularly relieved. Similarly, any sentinel or lookout who loiters or wrongfully sits down while on post will be punished under the KCMJ. The bill also provides that any person subject to the KCMJ who, knowing that another person is a sentinel or lookout, behaves in a wrongful and disrespectful manner toward a sentinel or lookout who is on duty will be punished.

## ***Fraudulent Conduct***

### ***Adulteration of Public Records***

The bill directs punishment against a person subject to the KCMJ if such person alters, conceals, removes, mutilates, obliterates, or destroys a public record or takes a public record with the intent to do the same.

### ***Making False Writings***

The bill directs punishment against a person subject to the KCMJ if such person intentionally falsely makes or alters any signature or writing that would, if genuine, impose a legal liability on another or changes their legal rights or liability. The bill also imposes

punishment on a person who knows a writing is false and utters, offers, issues, or transfers the writing.

### *Impersonations*

The bill directs punishment against a person subject to the KCMJ if such person willfully, or with intent to defraud, impersonates:

- An officer, noncommissioned officer, or petty officer;
- An agent of superior authority of one of the Armed Forces or state military forces;  
or
- A government official.

The bill states that if a person impersonates a government official by committing an act that exercises or asserts the authority of the office of the official being impersonated, such person will be punished under the KCMJ, even if they did not have intent to defraud.

### *Unauthorized Wearing of Decorations*

A person subject to the KCMJ will be punished if such person wears an insignia, decoration, badge, ribbon, device, or lapel button upon the person's uniforms or civilian clothing when the person is not authorized to wear such decorations.

### *Mail Tampering*

The bill directs punishment against a person subject to the KCMJ if such person wrongfully takes any mail before such mail is delivered to or received by the addressee, with the intent to obstruct the correspondence or to pry into the business secrets of any person or organization. A person will also be punished for wrongfully opening, destroying, or stealing mail before such mail is delivered to or received by the addressee.

### ***Vehicle Accidents Resulting in Personal Injury or Property Damage***

A person subject to the KCMJ who is involved in a vehicle accident causing personal injury or property damage will be punished under the KCMJ if such person:

- Is the driver of a vehicle that is involved in an accident that results in a personal injury or property damage; and
- Wrongfully leaves the scene of the accident without providing assistance to an injured person, personal identification to others involved in the accident, or personal identification to appropriate authorities.

A person will also be punished under the KCMJ if such person:

- Is a passenger in a vehicle that is involved in an accident that results in personal injury or property damage;
- Is the superior commissioned or noncommissioned officer of the driver or commander of the vehicle; and
- Wrongfully and unlawfully orders, causes, or permits the driver to leave the scene of the accident without providing assistance to an injured person, personal identification to others involved in the accident, or personal identification to appropriate authorities.

### ***Violent Conduct***

The bill directs punishment against a person subject to the KCMJ when such person displays any conduct involving violence toward others, as follows.

#### *Discharge or Brandishment of a Firearm*

The bill directs punishment against a person subject to the KCMJ if such person willfully and wrongfully discharges or brandishes a firearm under any circumstance that endangers a human life or causes a reasonable person to be apprehensive of the potential endangerment of human life.

#### *Simple Assault*

The bill directs punishment against a person guilty of simple assault under the KCMJ if such person, who is subject to the KCMJ:

- Attempts to do bodily harm to another person;
- Offers to do bodily harm to another person; or
- Does bodily harm to another person.

For the purposes of this section, “another person” means a cadet, trainee, or recruit of the state military forces, the U.S. Armed Forces, or the state military forces of another state.

#### *Domestic Violence*

The bill directs punishment against a person who:

- Commits a violent offense against a spouse, intimate partner, or immediate family member of such person;

- Commits an offense under the KCMJ against any person or any property, including animals, with the intent to threaten or intimidate a spouse, intimate partner, or immediate family member of such person;
- Violates a protection order, with the intent to threaten or intimidate a spouse, intimate partner, or immediate family member of such person; or
- Violates a protection order, with the intent to commit a violent offense against a spouse, intimate partner, or immediate family member of such person.

### *Threats of Violence*

The bill directs punishment against a person who communicates a threat to injure the person, property, or reputation of another.

The bill also specifies a person will be punished if such person communicates a threat, or maliciously communicates a false threat, to injure the person, property, or reputation of another by use of:

- An explosive;
- A weapon of mass destruction;
- A biological or chemical agent, substance, or weapon; or
- A hazardous material.

The bill defines “false threat” to mean a threat that, at the time it is communicated, is known to be untrue by the person communicating the threat.

### ***Distribution of Intimate Visual Images or Sexually Explicit Conduct***

The bill outlines when a person will be guilty of wrongful distribution of intimate visual images or visual images of sexually explicit conduct (images). The bill states a person subject to the KCMJ will be punished if such person:

- Knowingly and wrongfully broadcasts or distributes an image involving a person who:
  - Is at least 18 years of age at the time the image was created;
  - Is identifiable from the image or from information displayed in connection with the image; and
  - Does not explicitly consent to the broadcast or distribution of the image;
- Knows or reasonably should have known that the image was made under circumstances in which the person depicted in the image retained a reasonable expectation of privacy regarding any broadcast or distribution of the image;



- Knows or reasonably should have known that the broadcast or distribution of the image is likely to:
  - Cause harm, harassment, intimidation, emotional distress, or financial loss for the person depicted in the image; or
  - Harm substantially the depicted person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relations; or
- Engaged in conduct that had a reasonably direct connection to a military mission or military environment.

The bill also defines certain terms for purposes of the section.

### ***Perjury and Obstruction of Justice***

#### *Inducing False Testimony Under Oath*

The bill directs punishment against a person subject to the KCMJ if such person induces another person to take an oath and falsely testify, depose, or make a statement upon such oath. In order for a person to be punished for this conduct:

- The oath will have to be administered as required by law, and by a person that has the authority to do so;
- Upon taking such oath, the other person willfully makes or attests to a false statement that is material to the proceedings; and
- When the statement is made or attested to, the person subject to the KCMJ and the person induced into such conduct do not believe such statement is true.

#### *Obstruction of Justice*

The bill directs punishment against a person subject to the KCMJ if such person engages in conduct intending to influence, impede, or otherwise obstruct the due administration of justice.

#### *Duty to Report Offense*

The bill directs punishment against a person subject to the KCMJ if such person:

- Knows another person has committed a serious offense; and

- Wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible.

#### *Duty to Cooperate with Judicial Proceedings*

The bill directs punishment against a person subject to the KCMJ if such person wrongfully refuses to qualify as a witness or wrongfully refuses to answer a question after having been directed to do so by a presiding authority in certain judicial proceedings, as specified by the bill.

#### *Search and Seizure*

The bill directs punishment against a person subject to the KCMJ if such person knows that one or more persons authorized to make searches and seizures are seizing, about to seize, or are endeavoring to seize property and then destroys, removes, or otherwise disposes of the property with the intent to prevent the seizure of such property.

#### *Obstruction of Pending Administrative Action*

The bill directs punishment against a person subject to the KCMJ if such person has reason to believe that an adverse administrative action is pending against any person subject to the KCMJ and either:

- Intentionally acts to influence, impede, or obstruct the conduct of the proceeding;  
or
- Acts to obstruct the due administration of justice.

#### ***Bribery***

The bill directs punishment against a person subject to the KCMJ if such person occupies an official position or has official duties and wrongfully asks for, accepts, or receives something of value with the intent to have the person's decision or action influenced regarding an official matter in which the State of Kansas or the United States is interested.

The bill directs punishment against a person subject to the KCMJ if such person wrongfully promises, offers, or gives something of value to a person who occupies an official position or has official duties and intends to influence the decisions or actions of the person regarding an official manner in which the State of Kansas or the United States is interested.

The bill directs punishment against a person subject to the KCMJ if such person occupies an official position or has official duties and wrongfully asks for, accepts, or receives something of value as compensation for or in recognition of services rendered or to be rendered by the person regarding an official matter in which the State of Kansas or the United States is interested.

The bill directs punishment against a person subject to the KCMJ if such person promises, offers, or gives something of value to a person who occupies an official position or who has official duties as compensation for or in recognition of services rendered by such person regarding an official matter in which the State of Kansas or the United States is interested.

### ***Credit Card Fraud***

The bill directs punishment against a person subject to the KCMJ if such person, with the knowing intent to defraud and obtain money, property, services, or something of value, uses:

- A stolen credit card, debit card, or other access device;
- A revoked, canceled, or otherwise invalid credit card, debit card, or other access device; or
- A credit card, debit card, or other access device without the authorization of a person whose authorization is required for such use.

The bill defines the terms “access device” and “credit card” for the purposes of this section.

### ***Extortion***

The bill directs punishment against a person subject to the KCMJ if such person communicates threats to another person with the intention to obtain something of value or any acquittance, advantage, or immunity.

### ***Breach of Privacy; Forcible Pandering; Indecent Exposure***

The bill directs punishment against a person subject to the KCMJ if such person, without legal justification or lawful authorization:

- Knowingly and wrongfully views the private area of another person without the other person’s consent and when that other person has a reasonable expectation of privacy;
- Knowingly photographs, videotapes, films, or records by any means the private area of another person without that other person’s consent and when that other person has a reasonable expectation of privacy; or
- Knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under circumstances described above.

If a person subject to the KCMJ compels another person to engage in an act of prostitution with any person, the person subject to the KCMJ will be guilty of forcible pandering.

If a person subject to the KCMJ intentionally exposes, in an indecent manner, the genitalia, anus, buttocks, or female areola or nipple, the person will be guilty of indecent exposure.

The bill defines related terms for the purposes of the section.

### ***Retaliation***

The bill directs punishment against a person subject to the KCMJ if such person takes or threatens to take an adverse personnel action or withholds or threatens to withhold a favorable personnel action, with the intent to:

- Retaliate against any person for reporting or planning to report a criminal or military offense;
- Retaliate against any person making or planning to make a protected communication; or
- Discourage any person from reporting or planning to report a criminal or military offense.

The bill defines related terms as used in this section.

### ***Application of Other Military Regulations and Instructions***

The bill states certain military regulations and instructions could be used to effectuate the purpose and provisions of the KCMJ to the extent they are consistent with the KCMJ.

### ***Administrative Action***

The bill states nothing in the KCMJ precludes an administrative action against a person subject to the KCMJ for an offense, military or nonmilitary, as allowed by law or regulation.

### ***Severability***

The bill provides that the provisions of the KCMJ are severable, meaning if any portion of the KCMJ were to be held unconstitutional or invalid, such invalidity would not affect other portions of the KCMJ that could be given effect without the invalid portion or application, and the applicability of such other portions of the KCMJ would remain valid and enforceable.

### ***Willful Disobedience***

The bill directs punishment against a person subject to the KCMJ if such person willfully disobeys a lawful command of such person's superior commissioned officer.

## ***Amendments to KCMJ***

The bill makes various amendments to sections of law in the KCMJ reflecting the reorganization, consolidation, and modernization of language in the new sections created by the bill. [Note: Only substantive changes have been included in this Summary.]

The bill also removes all references to, and sections concerning, trial by court-martial. [Note: The bill replaces certain references to trial by court-martial with references to punishment at the direction of a commanding officer. Sections in which this would be the only change are not included in this Summary.]

### ***Definitions***

The bill substantively updates several definitions used in the KCMJ, for terms including “state military forces,” “commanding officer,” “state active duty,” “duty status other than state active duty,” “enemy,” and “state judge advocate.” The bill also removes the definitions of “military court,” “military judge,” “record,” and “convening authority” from this section and adds definitions of “cadet,” “classified information,” “day,” “military offenses,” “national security,” “commissioned officer,” “pay,” “open hearing,” “open proceeding,” and “UCMJ.”

### ***Persons Subject to the Code***

The bill enumerates the circumstances in which a person may be subject to the KCMJ, and provides further direction determining whether subject-matter jurisdiction exists under the KCMJ, replacing law stating that the KCMJ applies to all members of the state military forces who are not under a call or order of the President.

### ***Territorial Applicability***

The bill clarifies that the KCMJ applies to all times and places when a person subject to the KCMJ is in a duty status. The bill also states jurisdiction under the KCMJ will not preclude or limit any applicable civilian jurisdiction, with the exception of double jeopardy.

### ***Judge Advocates***

The bill removes provisions concerning the appointment and qualifications of judge advocates, and removes provisions providing for assistant judge advocates. The bill also directs that judge advocates make frequent inspections in the field under the supervision of the appropriate Administration of Military Justice.

### ***Apprehension***

The bill specifies that no person authorized under the KCMJ to apprehend persons subject to the KCMJ, nor any place authorized to confine or house such apprehended persons, could require payment of any fee, nor charge for receiving, apprehending, confining, restraining, holding, or otherwise housing a person except as otherwise provided by law.

### *Nonjudicial Punishment*

The bill makes several clarifying amendments to the types of disciplinary punishments that may be imposed on persons subject to the KCMJ. The bill specifies that any person subject to a nonjudicial punishment has a right to be physically present during any hearing conducted. The bill also requires that, when a finding of guilt is made and punishment imposed under this section, a written record be made that includes all testimonial evidence and supporting documentation.

### *Statutes of Limitations*

The bill adds an exception to the general statute of limitations concerning a person's liability for committing an offense when the commission of the offense is not immediately known and not readily discoverable. When such is the case, the statute of limitations will be two years from the date of discovery.

The bill also excludes periods of time in which an accused is absent without authority or fleeing from justice from the period of limitation described above.

The bill specifies that when the United States is at war or the President has declared a national emergency, the applicable statute of limitations will be tolled until three years after the termination of hostilities or national emergency when the offense involves fraud or attempted fraud or in connection with a contract, subcontract, or purchase order involving the war.

### *Cruel and Unusual Punishment*

The bill specifies that punishment by flogging, branding, marking, or tattooing the body is cruel and unusual punishment and is prohibited under the KCMJ.

### *Maximum Punishment*

The bill specifies the maximum fine that may be assessed pursuant to a punishment under the KCMJ could not exceed \$2,500.

### *Missing Movement*

The bill adds to the prohibition against missing a movement of a ship, aircraft, or unit to include wrongfully and intentionally jumping into the water from a vessel that is in use by the U.S. Armed Forces or state military forces as an action that may be punished under the KCMJ.

### *Contempt Toward Officials*

The bill expands the list of persons that a person subject to the KCMJ could be punished for using contemptuous words against. Such additions include a secretary of a military department, the Secretary of Homeland Security, the Legislature, or the legislature of any other state.

### *Improper Conduct with a Prisoner*

The bill adds unlawfully drinking any alcoholic beverage with a prisoner as conduct that is punished under the KCMJ.

### *False Official Statements*

The bill specifies punishment will be imposed when any person subject to the KCMJ takes a proper oath and, upon taking such oath, makes or subscribes to a statement that, at the time the oath was administered, the person did not believe to be true.

### *Wrongful Use of Controlled Substances*

The bill specifies that a person subject to the KCMJ will be punished if such person wrongfully possesses, in such person's blood or urine, metabolites of a prohibited substance specified in the section.

### *Perjury*

The bill provides that a person subject to the KCMJ will be punished if such person testifies to any false statement material to the issue or matter of inquiry in any declaration, certificate, verification, or statement.

### *Disorders and Neglects*

The bill specifies that simple assault could be punished under the KCMJ rather than reserved to civil courts.

### *Authority to Administer Oaths and Act as Notary*

The bill amends the list of persons authorized to administer oaths and act as notaries, removing references to judge advocates and specifying such persons who are so authorized under the section will be designated by military regulation or statute.

### *Complaints of Wrongs*

The bill clarifies procedure when any member of the state military forces believes such member was wronged. The bill specifies the complaint will be forwarded to the first general in the member's chain of command, who will be required to investigate and take proper measure for redressing the wrong and send a statement of the complaint to the Adjutant General. The bill specifies that this procedure may not be used when:

- Review is provided specifically by the KCMJ;

- The matter has been taken under the recommendation by an administrative board and where such complainant was afforded the rights of a respondent; or
- Policy, regulation, or instruction specifically authorizes an administrative appeal or similar redress for the matter.

#### *Redress of Injuries to Property*

The bill amends a provision governing redress for property damage when an offender cannot be ascertained but the organization to which an offender belongs is known. In this instance, the bill allows damages to be assessed on a proportional basis, using the number of individuals of the organization who were present at the scene when damages were inflicted.

#### *Payment of Fines; Disposition; Confinement for Failure to Pay*

The bill updates language concerning the collection of fines under the KCMJ to reflect the removal of punishment by court-martial and specify the manner in which such fines may be paid.

#### *Immunity for Action of Military Courts*

The bill removes references to military courts and instead specifies all persons acting under the KCMJ, whether a member of the military or a civilian, have immunity from personal liability for any act or omission related to such person's duties under the KCMJ.

#### *Uniformity*

The bill requires information accompanying each punitive article of the UCMJ to be used in the defining and charging of any offense under the KCMJ, to the extent the UCMJ is consistent.

The bill also states the decisions of the various military branch appeals courts will not be binding on proceedings under the KCMJ, but could be used for guidance in determining guilt or punishment of any member of the state military forces subject to the KCMJ.