

48-2101. (KCMJ Art. 1) Definitions. In this act, unless the context otherwise requires:

- (1) "State military forces" means the national guard of the state, as defined in section 101 (3) of title 32, United States Code, and any other military force organized under the laws of the state.
- (2) "Officer" means commissioned or warrant officer.
- (3) "Commanding officer" includes only commissioned officers.
- (4) "Superior commissioned officer" means a commissioned officer superior in rank or command.
- (5) "Enlisted member" means any person serving in an enlisted grade.
- (6) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.
- (7) "Rank" means the order of precedence among members of the state military forces.
- (8) "Active state duty" means full-time duty in the active military service of the state under an order of the governor issued under authority vested in the governor by law, performance of regular duties by technicians, regularly scheduled drills and other legally called assemblies, including travel to and from such duty.
- (9) "Duty status" includes active state duty and any other type of state military duty, including travel to and from such duty.
- (10) "Military court" means a court-martial, a court of inquiry, or a provost court.
- (11) "Military judge" means an official of a general or special court-martial detailed in accordance with this code.
- (12) "Judge advocate general" means the commissioned officer responsible for supervising the administration of the military justice in the state military forces.
- (13) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.
- (14) "Military" refers to any or all of the armed forces.
- (15) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.
- (16) "May" is used in a permissive sense. The words "no person may ..." means that no person is required, authorized, or permitted to do the act prescribed.
- (17) "Shall" is used in an imperative sense.
- (18) "Code" means this act.
- (19) "Hostile force" means enemy, rioters, looters, dissidents, and others opposing or interfering with law and order.
- (20) "Judge advocate" means:
 - (a) An officer of the judge advocate general's corps of the army or the navy or of the state military forces;
 - (b) an officer of the air force or the marine corps who is designated as a judge advocate; or
 - (c) an officer of the coast guard who is designated as a law specialist.
- (21) "Record," when used in connection with the proceedings of a court-martial, means:
 - (a) An official written transcript, written summary or other writing relating to the proceedings; or
 - (b) an official audiotape, videotape or similar material from which sound, or sound and visual images, depicting the proceedings may be reproduced.
- (22) For further definition of military terms refer to the dictionary of United States army terms (AR 310-25).

History: L. 1972, ch. 203, § 48-2101; L. 1988, ch. 191, § 1; July 1.