

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Code of Military Justice is  
5 amended by changing Sections 1 and 133 as follows:

6 (20 ILCS 1807/1)

7 Sec. 1. Article 1. Definitions; gender neutrality.

8 (a) In this Code, unless the context otherwise requires:

9 (1) "Accuser" means a person who signs and swears to  
10 charges, any person who directs that charges nominally be  
11 signed and sworn to by another, and any other person who  
12 has an interest other than an official interest in the  
13 prosecution of the accused.

14 (2) "Cadet" or "candidate" means a person who is  
15 enrolled in or attending a State military academy, a  
16 regional training institute, or any other formal education  
17 program for the purpose of becoming a commissioned officer  
18 in the State military forces.

19 (3) "Classified information" means:

20 (A) any information or material that has been  
21 determined by an official of the United States or any  
22 state pursuant to law, an Executive order, or  
23 regulation to require protection against unauthorized

1 disclosure for reasons of national or state security,  
2 and

3 (B) any restricted data, as defined in Section  
4 11(y) of the Atomic Energy Act of 1954 (42 U.S.C.  
5 2014(y)).

6 (4) "Code" means this Code.

7 (5) "Commanding officer" includes only commissioned or  
8 warrant officers of the State military forces and shall  
9 include officers in charge only when administering  
10 nonjudicial punishment under Article 15 of this Code. The  
11 term "commander" has the same meaning as "commanding  
12 officer" unless the context otherwise requires.

13 (6) "Convening authority" includes, in addition to the  
14 person who convened the court, a commissioned officer  
15 commanding for the time being or a successor in command to  
16 the convening authority.

17 (7) "Day" for all purposes means calendar day  
18 beginning at 0000 hours (12:00 a.m.) and ending at 2359  
19 hours, 59 seconds (12:59, 59 seconds p.m.), and is not  
20 synonymous with the term "unit training assembly". Any  
21 punishment authorized by this Article which is measured in  
22 terms of days shall, when served in a status other than  
23 annual field training, be construed to mean succeeding  
24 duty days.

25 (8) "Duty status other than State active duty" means  
26 any other type of military duty or training pursuant to a

1 written order issued by authority of law under Title 32 of  
2 the United States Code or traditional Inactive Duty  
3 Training periods pursuant to 32 U.S.C. 502(a).

4 (9) "Enlisted member" means a person in an enlisted  
5 grade.

6 (10) "Judge advocate" means a commissioned officer of  
7 the organized State military forces who is a member in  
8 good standing of the bar of the highest court of a state,  
9 and is:

10 (A) certified or designated as a judge advocate in  
11 the Judge Advocate General's Corps of the Army, Air  
12 Force, Navy, or the Marine Corps or designated as a law  
13 specialist as an officer of the Coast Guard, or a  
14 reserve or National Guard component of one of these;  
15 or

16 (B) certified as a non-federally recognized judge  
17 advocate, under regulations adopted pursuant to this  
18 paragraph, by the senior judge advocate of the  
19 commander of the force in the State military forces of  
20 which the accused is a member, as competent to perform  
21 such military justice duties required by this Code. If  
22 there is no such judge advocate available, then such  
23 certification may be made by such senior judge  
24 advocate of the commander of another force in the  
25 State military forces, as the convening authority  
26 directs.

1 (11) "May" is used in a permissive sense. The phrase  
2 "no person may . . ." means that no person is required,  
3 authorized, or permitted to do the act prescribed.

4 (12) "Military court" means a court-martial or a court  
5 of inquiry.

6 (13) "Military judge" means an official of a general  
7 or special court-martial detailed in accordance with  
8 Article 26 of this Code.

9 (14) "Military offenses" means those offenses  
10 proscribed under Articles 77 (Principals), 78 (Accessory  
11 after the fact), 80 (Attempts), 81 (Conspiracy), 82  
12 (Soliciting commission of offenses ~~Solicitation~~), 83  
13 (Malingering ~~Fraudulent enlistment, appointment, or~~  
14 ~~separation~~), 84 (Breach of medical quarantine ~~Unlawful~~  
15 ~~enlistment, appointment, or separation~~), 85 (Desertion),  
16 86 (Absence without leave), 87 (Missing movement; jumping  
17 from vessel), 87a (Resistance, flight, breach of arrest,  
18 and escape), 88 (Contempt toward officials), 89  
19 (Disrespect towards superior commissioned officer; assault  
20 of superior commissioned officer), 90 (Willfully  
21 ~~Assaulting or willfully~~ disobeying superior commissioned  
22 officer), 91 (Insubordinate conduct toward warrant  
23 officer, noncommissioned officer, or petty officer), 92  
24 (Failure to obey order or regulation), 93 (Cruelty and  
25 maltreatment), 93a (Prohibited activities with military  
26 recruit or trainee by person in position of special trust)

1           94 (Mutiny or sedition), 95 (Offenses by sentinel or  
2           lookout), 95a (Disrespect toward sentinel or lookout  
3           ~~Resistance, flight, breach of arrest, and escape~~), 96  
4           (Release ~~Releasing~~ prisoner without proper authority;  
5           drinking with prisoner), 97 (Unlawful detention), 98  
6           (Misconduct as prisoner ~~Noncompliance with procedural~~  
7           ~~rules~~), 99 (Misbehavior before the enemy), 100  
8           (Subordinate compelling surrender), 101 (Improper use of  
9           countersign), 102 (Forcing a safeguard), 103b (Aiding the  
10           enemy), 104a (Fraudulent enlistment, appointment, or  
11           separation), 104b (Unlawful enlistment, appointment, or  
12           separation), 105a (False or unauthorized pass offenses),  
13           106 (Impersonation of officer, noncommissioned or petty  
14           officer, or agent or official), 106a (Wearing unauthorized  
15           insignia, decoration, badge, ribbon, device, or lapel  
16           button), ~~103 (Captured or abandoned property)~~, ~~104 (Aiding~~  
17           ~~the enemy)~~, ~~105 (Misconduct as prisoner)~~, 107 (False  
18           official statements; false swearing), 107a (Parole  
19           violation), 108 (Military property: loss, damage,  
20           destruction, or wrongful disposition), 108a (Captured or  
21           abandoned property), 109 (Property other than military  
22           property: waste, spoilage, or destruction), 110 (Improper  
23           hazarding of vessel or aircraft), 112 (Drunkenness and  
24           other incapacitation offenses ~~Drunk on duty~~), 112a  
25           (Wrongful use, possession, etc., of controlled  
26           substances), ~~113 (Misbehavior of sentinel)~~, 114 (Dueling),

1       115 (Communicating threats ~~Malingering~~), 116 (Riot or  
2       breach of peace), 117 (Provoking speeches or gestures),  
3       123 (Offenses concerning Government computers), 124  
4       (Frauds against the Government), 131f (Noncompliance with  
5       procedural rules), 131g (Wrongful interference with  
6       adverse administrative proceeding), 132 (Retaliation  
7       ~~Frauds against the government~~), 133 (Conduct unbecoming an  
8       officer ~~and a gentleman~~), and 134 (General Article) of  
9       this Code.

10       (15) "National security" means the national defense  
11       and foreign relations of the United States.

12       (16) "Officer" means a commissioned or warrant  
13       officer.

14       (17) "Officer in charge" means a member of the Navy,  
15       the Marine Corps, or the Coast Guard designated as such by  
16       appropriate authority.

17       (18) "Record", when used in connection with the  
18       proceedings of a court-martial, means:

19               (A) an official written transcript, written  
20               summary, or other writing relating to the proceedings;  
21               or

22               (B) an official audiotape, videotape, digital  
23               image or file, or similar material from which sound,  
24               or sound and visual images, depicting the proceedings  
25               may be reproduced.

26       (19) "Shall" is used in an imperative sense.

1           (20) "State" means one of the several states, the  
2           District of Columbia, the Commonwealth of Puerto Rico,  
3           Guam, or the U.S. Virgin Islands.

4           (21) "State active duty" means active duty in the  
5           State military forces under an order of the Governor or  
6           the Adjutant General, or otherwise issued by authority of  
7           State law, and paid by State funds.

8           (22) "Senior force judge advocate" means the senior  
9           judge advocate of the commander of the same force of the  
10          State military forces as the accused and who is that  
11          commander's chief legal advisor.

12          (23) "State military forces" means the Illinois  
13          National Guard, as defined in Title 32, United States Code  
14          and the Military Code of Illinois and any other military  
15          force organized under the Constitution and laws of this  
16          State, to include the Illinois State Guard when organized  
17          by the Governor as Commander-in-Chief under the Military  
18          Code of Illinois and the Illinois State Guard Act, and  
19          when not in a status subjecting them to exclusive  
20          jurisdiction under Chapter 47 of Title 10, United States  
21          Code, and travel to and from such duty.

22          (24) "Superior commissioned officer" means a  
23          commissioned officer superior in rank or command.

24          (25) "Senior force commander" means the commander of  
25          the same force of the State military forces as the  
26          accused.

1 (b) The use of the masculine gender throughout this Code  
2 also includes the feminine gender.

3 (Source: P.A. 99-796, eff. 1-1-17.)

4 (20 ILCS 1807/133)

5 Sec. 133. Article 133. Conduct unbecoming an officer ~~and a~~  
6 ~~gentleman~~. Any commissioned officer, cadet, or midshipman who  
7 is convicted of conduct unbecoming an officer ~~and a gentleman~~  
8 shall be punished as a court-martial may direct.

9 (Source: P.A. 101-367, eff. 8-9-19.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.