

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 of 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 (Duelling),

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.