



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2076

Introduced 2/15/2019, by Sen. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Code of Military Justice. Makes conforming changes so as to parallel the federal Uniform Code of Military Justice. Makes changes to provisions concerning conviction of offense charged; conspiracy; desertion; disrespect toward superior commissioned officer; and other matters. Adds provisions concerning malingering; breach of medical quarantine; resistance, flight, breach of arrest, and escape; offenses against correctional custody and restriction; prohibited activities with military recruit or trainee by person in position of special trust; offenses by sentinel or lookout; disrespect toward sentinel or lookout; misconduct as prisoner; public records offenses; fraudulent enlistment, appointment, or separation; unlawful enlistment, appointment, or separation; forgery; false or unauthorized pass offenses; impersonation of officer; wearing unauthorized insignia; parole violation; mail matter; leaving scene of vehicle accident; communicating threats; death or injury of an unborn child; child endangerment; rape and sexual assault; rape and sexual assault of a child; other sexual misconduct; receiving stolen property; offenses concerning Government computers; frauds against the United States; and other matters. Effective immediately.

LRB101 09477 CPF 54575 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 amended
5 by changing Sections 79, 81, 82, 83, 84, 85, 87, 89, 90, 94,
6 95, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 106a, 107,
7 110, 111, 112, 113, 114, 115, 118, 119, 119b, 120, 121, 122,
8 123, 123a, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133,
9 and 134 and by adding Sections 87a, 87b, 93a, 95a, 103a, 103b,
10 104a, 104b, 105a, 107a, 108a, 109a, 119a, 120a, 120b, 120c,
11 121a, 122a, 124a, 124b, 128a, 131a, 131b, 131c, 131d, 131e,
12 131f, and 131g as follows:

13 (20 ILCS 1807/79)

14 Sec. 79. Article 79. Conviction of ~~lesser included~~ offense
15 charged, lesser included offenses, and attempts.

16 (a) An accused may be found guilty of any of the following:
17 ~~an offense necessarily included in the offense charged or of an~~
18 ~~attempt to commit either the offense charged or an offense~~
19 ~~necessarily included therein.~~

20 (1) The offense charged.

21 (2) A lesser included offense.

22 (3) An attempt to commit the offense charged.

23 (4) An attempt to commit a lesser included offense, if

1 the attempt is an offense in its own right.

2 (b) In this Article, "lesser included offense" means:

3 (1) an offense that is necessarily included in the
4 offense charged; and

5 (2) any lesser included offense so designated by
6 regulation prescribed by the Governor.

7 (c) Any designation of a lesser included offense in a
8 regulation referred to in subsection (b) shall be reasonably
9 included in the greater offense.

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

11 (20 ILCS 1807/81)

12 Sec. 81. Article 81. Conspiracy.

13 (a) Any person subject to this Code who conspires with any
14 other person to commit an offense under this Code shall, if one
15 or more of the conspirators does an act to effect the object of
16 the conspiracy, be punished as a court-martial may direct.

17 (b) Any person subject to this Code who conspires with any
18 other person to commit an offense under the law of war, and who
19 knowingly does an overt act to affect the object of the
20 conspiracy, shall be punished, if death results to one or more
21 of the victims, by death or such other punishment as a
22 court-martial or military commission may direct, and, if death
23 does not result to any of the victims, by such punishment,
24 other than death, as a court-martial or military commission may
25 direct.

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

2 (20 ILCS 1807/82)

3 Sec. 82. Article 82. Soliciting commission of offenses
4 Solicitation.

5 (a) Any person subject to this Code who solicits or advises
6 another to commit an offense under this Code (other than an
7 offense specified in subsection (b)) shall be punished as a
8 court-martial may direct. ~~Any person subject to this Code who~~
9 ~~solicits or advises another or others to desert in violation of~~
10 ~~Article 85 of this Code or mutiny in violation of Article 94 of~~
11 ~~this Code shall, if the offense solicited or advised is~~
12 ~~attempted or committed, be punished with the punishment~~
13 ~~provided for the commission of the offense, but, if the offense~~
14 ~~solicited or advised is not committed or attempted, the person~~
15 ~~shall be punished as a court martial may direct.~~

16 (b) Any person subject to this Code who solicits or advises
17 another to violate Article 85 of this Code, Article 94 of this
18 title, or Article 99 of this Code: ~~Any person subject to this~~
19 ~~Code who solicits or advises another or others to commit an act~~
20 ~~of misbehavior before the enemy in violation of Article 99 of~~
21 ~~this Code or sedition in violation of Article 94 of this Code~~
22 ~~shall, if the offense solicited or advised is committed, be~~
23 ~~punished with the punishment provided for the commission of the~~
24 ~~offense, but, if the offense solicited or advised is not~~
25 ~~committed, the person shall be punished as a court martial may~~

1 ~~direct.~~

2 (1) if the offense solicited or advised is attempted or
3 is committed, shall be punished with the punishment
4 provided for the commission of the offense; and

5 (2) if the offense solicited or advised is not
6 attempted or committed, shall be punished as a
7 court-martial may direct.

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

9 (20 ILCS 1807/83)

10 Sec. 83. Article 83. ~~Malingering~~ ~~Fraudulent enlistment,~~
11 ~~appointment, or separation.~~ Any person subject to this Code
12 who, with the intent to avoid work, duty, or service ~~who:~~

13 (1) feigns illness, physical disablement, mental
14 lapse, or mental derangement ~~procures his own enlistment or~~
15 ~~appointment in the State military forces by knowingly false~~
16 ~~representation or deliberate concealment as to his~~
17 ~~qualifications for that enlistment or appointment and~~
18 ~~receives pay or allowances thereunder; or~~

19 (2) intentionally inflicts self-injury ~~procures his~~
20 ~~own separation from the State military forces by knowingly~~
21 ~~false representation or deliberate concealment as to his~~
22 ~~eligibility for that separation;~~

23 shall be punished as a court-martial may direct.

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

1 (20 ILCS 1807/84)

2 Sec. 84. Article 84. Breach of medical quarantine ~~Unlawful~~
3 ~~enlistment, appointment, or separation.~~ Any person subject to
4 this Code: ~~who effects an enlistment or appointment in or a~~
5 ~~separation from the State military forces of any person who is~~
6 ~~known to him to be ineligible for that enlistment, appointment,~~
7 ~~or separation because it is prohibited by law, regulation, or~~
8 ~~order~~

9 (1) who is ordered into medical quarantine by a person
10 authorized to issue such order; and

11 (2) who, with knowledge of the quarantine and the
12 limits of the quarantine, goes beyond those limits before
13 being released from the quarantine by proper authority;

14 shall be punished as a court-martial may direct.

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

16 (20 ILCS 1807/85)

17 Sec. 85. Article 85. Desertion.

18 (a) Any member of the State military forces who:

19 (1) without authority goes or remains absent from his
20 unit, organization, or place of duty with intent to remain
21 away therefrom permanently;

22 (2) quits his unit, organization, or place of duty with
23 intent to avoid hazardous duty or to shirk important
24 service; or

25 (3) without being regularly separated from one of the

1 State military forces enlists or accepts an appointment in
2 the same or another one of the State military forces, or in
3 one of the armed forces of the United States, without fully
4 disclosing the fact that he has not been regularly
5 separated, or enters any foreign armed service except when
6 authorized by the United States;
7 is guilty of desertion.

8 (b) Any commissioned officer of the State military forces
9 who, after tender of his resignation and before notice of its
10 acceptance, quits his post or proper duties without leave and
11 with intent to remain away therefrom permanently is guilty of
12 desertion.

13 (c) Any person found guilty of desertion or attempt to
14 desert shall be punished, if the offense is committed in time
15 of war, by death ~~confinement of not more than 10 years~~ or such
16 other punishment as a court-martial may direct, but if the
17 desertion or attempt to desert occurs at any other time, by
18 such punishment, other than death, as a court-martial may
19 direct.

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

21 (20 ILCS 1807/87)

22 Sec. 87. Article 87. Missing movement; jumping from vessel.

23 (a) Any person subject to this Code who through neglect or
24 design misses the movement of a ship, aircraft, or unit with
25 which he is required in the course of duty to move shall be

1 punished as a court-martial may direct.

2 (b) Any person subject to this Code who wrongfully and
3 intentionally jumps into the water from a vessel in use by the
4 State military forces shall be punished as a court-martial may
5 direct.

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

7 (20 ILCS 1807/87a new)

8 Sec. 87a. Article 87a. Resistance, flight, breach of
9 arrest, and escape. Any person subject to this Code who:

10 (1) resists apprehension;

11 (2) flees from apprehension;

12 (3) breaks arrest; or

13 (4) escapes from custody or confinement;

14 shall be punished as a court-martial may direct.

15 (20 ILCS 1807/87b new)

16 Sec. 87b. Article 87b. Offenses against correctional
17 custody and restriction.

18 (a) Any person subject to this Code:

19 (1) who is placed in correctional custody by a person
20 authorized to do so;

21 (2) who, while in correctional custody, is under
22 physical restraint; and

23 (3) who escapes from the physical restraint before
24 being released from the physical restraint by proper

1 authority
2 shall be punished as a court-martial may direct.

3 (b) Any person subject to this Code:

4 (1) who is placed in correctional custody by a person
5 authorized to do so;

6 (2) who, while in correctional custody, is under
7 restraint other than physical restraint; and

8 (3) who goes beyond the limits of the restraint before
9 being released from the correctional custody or relieved of
10 the restraint by proper authority;
11 shall be punished as a court-martial may direct.

12 (c) Any person subject to this Code:

13 (1) who is ordered to be restricted to certain limits
14 by a person authorized to do so; and

15 (2) who, with knowledge of the limits of the
16 restriction, goes beyond those limits before being
17 released by proper authority;

18 shall be punished as a court-martial may direct.

19 (20 ILCS 1807/89)

20 Sec. 89. Article 89. Disrespect toward superior
21 commissioned officer; assault of superior commissioned
22 officer.

23 (a) Any person subject to this Code who behaves with
24 disrespect toward his superior commissioned officer shall be
25 punished as a court-martial may direct.

1 (b) Any person subject to this Code who strikes that
2 person's superior commissioned officer or draws or lifts up any
3 weapon or offers any violence against that officer while the
4 officer is in the execution of the officer's office shall be
5 punished:

6 (1) if the offense is committed in time of war, by
7 death or such other punishment as a court-martial may
8 direct; and

9 (2) if the offense is committed at any other time, by
10 such punishment, other than death, as a court-martial may
11 direct.

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

13 (20 ILCS 1807/90)

14 Sec. 90. Article 90. Willfully Assaulting or willfully
15 disobeying superior commissioned officer. Any person subject
16 to this Code who willfully disobeys a lawful command of that
17 person's superior commissioned officer shall be punished:

18 (1) if the offense is committed in time of war, by
19 death or such other punishment as a court-martial may
20 direct ~~strikes his superior commissioned officer or draws~~
21 ~~or lifts up any weapon or offers any violence against him~~
22 ~~while he is in the execution of his office; and or~~

23 (2) if the offense is committed at any other time, by
24 such punishment, other than death, as a court-martial may
25 direct. ~~willfully disobeys a lawful command of his superior~~

1 ~~commissioned officer,~~
2 ~~shall be punished, if the offense is committed in time of war,~~
3 ~~by confinement of not more than 10 years or such other~~
4 ~~punishment as a court-martial may direct, and if the offense is~~
5 ~~committed at any other time, by such punishment as a~~
6 ~~court martial may direct.~~

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

8 (20 ILCS 1807/93a new)

9 Sec. 93a. Article 93a. Prohibited activities with military
10 recruit or trainee by person in position of special trust.

11 (a) Any person subject to this Code:

12 (1) who is an officer, a noncommissioned officer, or a
13 petty officer;

14 (2) who is in a training leadership position with
15 respect to a specially protected junior member of the State
16 military forces; and

17 (3) who engages in prohibited sexual activity with such
18 specially protected junior member of the State military
19 forces;

20 shall be punished as a court-martial may direct.

21 (b) Any person subject to this Code:

22 (1) who is a military recruiter and engages in
23 prohibited sexual activity with an applicant for military
24 service; or

25 (2) who is a military recruiter and engages in

1 prohibited sexual activity with a specially protected
2 junior member of the armed forces who is enlisted under a
3 delayed entry program;
4 shall be punished as a court-martial may direct.

5 (c) Consent is not a defense for any conduct at issue in a
6 prosecution under this Article.

7 (d) In this Article:

8 (1) "Specially protected junior member of the State
9 military forces" means:

10 (A) a member of the State military forces who is
11 assigned to, or is awaiting assignment to, basic
12 training or other initial active duty for training,
13 including a member who is enlisted under a delayed
14 entry program;

15 (B) a member of the State military forces who is a
16 cadet, a midshipman, an officer candidate, or a student
17 in any other officer qualification program; and

18 (C) a member of the State military forces in any
19 program that, by regulation prescribed by the
20 Secretary concerned, is identified as a training
21 program for initial career qualification.

22 (2) "Training leadership position" means, with respect
23 to a specially protected junior member of the State
24 military forces, any of the following:

25 (A) Any drill instructor position or other
26 leadership position in a basic training program, an

1 officer candidate school, a reserve officers' training
2 corps unit, a training program for entry into the State
3 military forces, or any program that, by regulation
4 prescribed by the Secretary concerned, is identified
5 as a training program for initial career
6 qualification.

7 (B) Faculty and staff of a State military academy,
8 a regional training institute, or any other formal
9 military education program.

10 (3) "Applicant for military service" means a person
11 who, under regulations prescribed by the Secretary
12 concerned, is an applicant for original enlistment or
13 appointment in the State military forces.

14 (4) "Military recruiter" means a person who, under
15 regulations prescribed by the Secretary concerned, has the
16 primary duty to recruit persons for military service.

17 (5) "Prohibited sexual activity" means, as specified
18 in regulations prescribed by the Secretary concerned,
19 inappropriate physical intimacy under circumstances
20 described in such regulations.

21 (20 ILCS 1807/94)

22 Sec. 94. Article 94. Mutiny or sedition.

23 (a) Any person subject to this Code who:

24 (1) with intent to usurp or override lawful military
25 authority, refuses, in concert with any other person, to

1 obey orders or otherwise do his duty or creates any
2 violence or disturbance is guilty of mutiny;

3 (2) with intent to cause the overthrow or destruction
4 of lawful civil authority, creates, in concert with any
5 other person, revolt, violence, or other disturbance
6 against that authority is guilty of sedition; or

7 (3) fails to do his utmost to prevent and suppress a
8 mutiny or sedition being committed in his presence, or
9 fails to take all reasonable means to inform his superior
10 commissioned officer or commanding officer of a mutiny or
11 sedition which he knows or has reason to believe is taking
12 place, is guilty of a failure to suppress or report a
13 mutiny or sedition.

14 (b) A person who is found guilty of attempted mutiny,
15 mutiny, sedition, or failure to suppress or report a mutiny or
16 sedition shall be punished by death or such punishment as a
17 court-martial may direct.

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

19 (20 ILCS 1807/95)

20 Sec. 95. Article 95. Article 95. Offenses by sentinel or
21 lookout ~~Resistance, flight, breach of arrest, and escape.~~

22 (a) Any sentinel or lookout who is drunk on post, who
23 sleeps on post, or who leaves post before being regularly
24 relieved, shall be punished:

25 (1) if the offense is committed in time of war, by

1 death or such other punishment as a court-martial may
2 direct; and

3 (2) if the offense is committed other than in time of
4 war, by such punishment, other than death, as a
5 court-martial may direct.

6 (b) Any sentinel or lookout who loiters or wrongfully sits
7 down on post shall be punished as a court-martial may direct.

8 ~~Any person subject to this Code who:~~

9 ~~(1) resists apprehension;~~

10 ~~(2) flees from apprehension;~~

11 ~~(3) breaks arrest; or~~

12 ~~(4) escapes from custody or confinement;~~

13 ~~shall be punished as a court-martial may direct.~~

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

15 (20 ILCS 1807/95a new)

16 Sec. 95a. Article 95a. Disrespect toward sentinel or
17 lookout.

18 (a) Any person subject to this Code who, knowing that
19 another person is a sentinel or lookout, uses wrongful and
20 disrespectful language that is directed toward and within the
21 hearing of the sentinel or lookout, who is in the execution of
22 duties as a sentinel or lookout, shall be punished as a
23 court-martial may direct.

24 (b) Any person subject to this Code who, knowing that
25 another person is a sentinel or lookout, behaves in a wrongful

1 and disrespectful manner that is directed toward and within the
2 sight of the sentinel or lookout, who is in the execution of
3 duties as a sentinel or lookout, shall be punished as a
4 court-martial may direct.

5 (20 ILCS 1807/96)

6 Sec. 96. Article 96. Release of ~~Releasing~~ prisoner without
7 ~~proper~~ authority; drinking with prisoner.

8 (a) Any person subject to this Code: ~~Any person subject to~~
9 ~~this Code who, without proper authority, releases any prisoner~~
10 ~~committed to his charge, or who through neglect or design~~
11 ~~suffers any such prisoner to escape, shall be punished as a~~
12 ~~court-martial may direct, whether or not the prisoner was~~
13 ~~committed in strict compliance with law.~~

14 (1) who, without authority to do so, releases a
15 prisoner; or

16 (2) who, through neglect or design, allows a prisoner
17 to escape;

18 shall be punished as a court-martial may direct, whether or not
19 the prisoner was committed in strict compliance with the law.

20 (b) Any person subject to this Code who unlawfully drinks
21 any alcoholic beverage with a prisoner shall be punished as a
22 court-martial may direct.

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

24 (20 ILCS 1807/98)

1 Sec. 98. Article 98. Misconduct as prisoner ~~Noncompliance~~
2 ~~with procedural rules~~. Any person subject to this Code who,
3 while in the hand of the enemy in time of war:

4 (1) for the purpose of securing favorable treatment by
5 his captors acts without proper authority in a manner
6 contrary to law, custom, or regulation, to the detriment of
7 others of whatever nationality held by the enemy as
8 civilian or military prisoners ~~is responsible for~~
9 ~~unnecessary delay in the disposition of any case of a~~
10 ~~person accused of an offense under this Code; or~~

11 (2) while in a position of authority over such persons
12 maltreats them without justifiable cause ~~knowingly and~~
13 ~~intentionally fails to enforce or comply with any provision~~
14 ~~of this Code regulating the proceedings before, during, or~~
15 ~~after trial of an accused;~~

16 shall be punished as a court-martial may direct.

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

18 (20 ILCS 1807/99)

19 Sec. 99. Article 99. Misbehavior before the enemy. Any
20 person subject to this Code who before or in the presence of
21 the enemy:

22 (1) runs away;

23 (2) shamefully abandons, surrenders, or delivers up
24 any command, unit, place, or military property which it is
25 his duty to defend;

1 (3) through disobedience, neglect, or intentional
2 misconduct endangers the safety of any such command, unit,
3 place, or military property;

4 (4) casts away his arms or ammunition;

5 (5) is guilty of cowardly conduct;

6 (6) quits his place of duty to plunder or pillage;

7 (7) causes false alarms in any command, unit, or place
8 under control of the armed forces of the United States or
9 the State military forces;

10 (8) willfully fails to do his utmost to encounter,
11 engage, capture, or destroy any enemy troops, combatants,
12 vessels, aircraft, or any other thing, which it is his duty
13 so to encounter, engage, capture, or destroy; or

14 (9) does not afford all practicable relief and
15 assistance to any troops, combatants, vessels, or aircraft
16 of the armed forces belonging to the United States or their
17 allies, to the State, or to any other state, when engaged
18 in battle;

19 shall be punished by death or such other punishment as a
20 court-martial may direct.

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

22 (20 ILCS 1807/100)

23 Sec. 100. Article 100. Subordinate compelling surrender.
24 Any person subject to this Code who compels or attempts to
25 compel the commander of any of the State military forces of

1 this State, or of any other state, place, vessel, aircraft, or
2 other military property, or of any body of members of the armed
3 forces, to give it up to an enemy or to abandon it, or who
4 strikes the colors or flag to an enemy without proper
5 authority, shall be punished death or such other punishment as
6 a court-martial may direct.

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

8 (20 ILCS 1807/101)

9 Sec. 101. Article 101. Improper use of countersign. Any
10 person subject to this Code who in time of war discloses the
11 parole or countersign to any person not entitled to receive it
12 or who gives to another, who is entitled to receive and use the
13 parole or countersign, a different parole or countersign from
14 that which, to his knowledge, he was authorized and required to
15 give, shall be punished by death or such other punishment as a
16 court-martial may direct.

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

18 (20 ILCS 1807/102)

19 Sec. 102. Article 102. Forcing a safeguard. Any person
20 subject to this Code who forces a safeguard shall be punished
21 by death or such other punishment as a court-martial may
22 direct.

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

1 (20 ILCS 1807/103)

2 Sec. 103. Article 103. Spies ~~Captured or abandoned~~
3 ~~property.~~ Any person who in time of war is found lurking as a
4 spy or acting as a spy in or about any place, vessel, or
5 aircraft, within the control or jurisdiction of any of the
6 State military forces, or in or about any shipyard, any
7 manufacturing or industrial plant, or any other place or
8 institution engaged in work in aid of the prosecution of the
9 war by the United States, or elsewhere, shall be tried by a
10 general court-martial or by a military commission and on
11 conviction shall be punished by death or such other punishment
12 as a court-martial or a military commission may direct. This
13 Article does not apply to a military commission established
14 under Chapter 47A of Title 10 of the United States Code.

15 ~~(a) All persons subject to this Code shall secure all~~
16 ~~public property taken for the service of the United States or~~
17 ~~this State, and shall give notice and turn over to the proper~~
18 ~~authority without delay all captured or abandoned property in~~
19 ~~their possession, custody, or control.~~

20 ~~(b) Any person subject to this Code who:~~

21 ~~(1) fails to carry out the duties prescribed in~~
22 ~~subsection (a);~~

23 ~~(2) buys, sells, trades, or in any way deals in or~~
24 ~~disposes of taken, captured, or abandoned property,~~
25 ~~whereby he receives or expects any profit, benefit, or~~
26 ~~advantage to himself or another directly or indirectly~~

1 ~~connected with himself; or~~
2 ~~(3) engages in looting or pillaging;~~
3 ~~shall be punished as a court-martial may direct.~~
4 (Source: P.A. 99-796, eff. 1-1-17.)

5 (20 ILCS 1807/103a new)

6 Sec. 103a. Espionage.

7 (a) (1) Any person subject to this Code who, with intent or
8 reason to believe that it is to be used to the injury of the
9 United States or to the advantage of a foreign nation,
10 communicates, delivers, or transmits, or attempts to
11 communicate, deliver, or transmit, to any entity described in
12 paragraph (2), either directly or indirectly, anything
13 described in paragraph (3) shall be punished as a court-martial
14 may direct, except that if the accused is found guilty of an
15 offense that directly concerns (A) nuclear weaponry, military
16 spacecraft or satellites, early warning systems, or other means
17 of defense or retaliation against large scale attack, (B) war
18 plans, (C) communications intelligence or cryptographic
19 information, or (D) any other major weapons system or major
20 element of defense strategy, the accused shall be punished by
21 death or such other punishment as a court-martial may direct.

22 (2) An entity referred to in paragraph (1) is:

23 (A) a foreign government;

24 (B) a faction or party or military or naval force
25 within a foreign country, whether recognized or

1 unrecognized by the United States; or

2 (C) a representative, officer, agent, employee,
3 subject, or citizen of such a government, faction,
4 party, or force.

5 (3) A thing referred to in paragraph (1) is a document,
6 writing, code book, signal book, sketch, photograph,
7 photographic negative, blueprint, plan, map, model, note,
8 instrument, appliance, or information relating to the
9 national defense.

10 (b) (1) No person may be sentenced by court-martial to
11 suffer death for an offense under this Article unless:

12 (A) the members of the court-martial unanimously
13 find at least one of the aggravating factors set out in
14 subsection (c); and

15 (B) the members unanimously determine that any
16 extenuating or mitigating circumstances are
17 substantially outweighed by any aggravating
18 circumstances, including the aggravating factors set
19 out in subsection (c).

20 (2) Findings under this subsection may be based on:

21 (A) evidence introduced on the issue of guilt or
22 innocence;

23 (B) evidence introduced during the sentencing
24 proceeding; or

25 (C) all such evidence.

26 (3) The accused shall be given broad latitude to

1 present matters in extenuation and mitigation.

2 (c) A sentence of death may be adjudged by a court-martial
3 for an offense under this Article only if the members
4 unanimously find, beyond a reasonable doubt, one or more of the
5 following aggravating factors:

6 (1) The accused has been convicted of another offense
7 involving espionage or treason for which either a sentence
8 of death or imprisonment for life was authorized by
9 statute.

10 (2) In the commission of the offense, the accused
11 knowingly created a grave risk of substantial damage to the
12 national security.

13 (3) In the commission of the offense, the accused
14 knowingly created a grave risk of death to another person.

15 (4) Any other factor that may be prescribed by the
16 Governor by regulations under Article 36 of this Code.

17 (20 ILCS 1807/103b new)

18 Sec. 103b. Article 103a. Aiding the enemy. Any person who:

19 (1) aids, or attempts to aid, the enemy with arms,
20 ammunition, supplies, money, or other things; or

21 (2) without proper authority, knowingly harbors or
22 protects or gives intelligence to, or communicates or
23 corresponds with or holds any intercourse with the enemy,
24 either directly or indirectly;

25 shall suffer death or such other punishment as a court-martial

1 or military commission may direct.

2 (20 ILCS 1807/104)

3 Sec. 104. Article 104. Public records offenses ~~Aiding the~~
4 ~~enemy~~. Any person subject to this Code who, willfully and
5 unlawfully:

6 (1) alters, conceals, removes, mutilates, obliterates,
7 or destroys a public record ~~aids, or attempts to aid, the~~
8 ~~enemy with arms, ammunition, supplies, money, or other~~
9 ~~things; or~~

10 (2) takes a public record with the intent to alter,
11 conceal, remove, mutilate, obliterate, or destroy the
12 public record ~~without proper authority, knowingly harbors~~
13 ~~or protects or gives intelligence to, or communicates or~~
14 ~~corresponds with or holds any intercourse with the enemy,~~
15 ~~either directly or indirectly;~~

16 shall be punished as a court-martial may direct.

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

18 (20 ILCS 1807/104a new)

19 Sec. 104a. Article 104a. Fraudulent enlistment,
20 appointment, or separation. Any person who:

21 (1) procures his or her own enlistment or appointment
22 in the State military forces by knowingly false
23 representation or deliberate concealment as to his or her
24 qualifications for that enlistment or appointment and

1 receives pay or allowances thereunder; or
2 (2) procures his or her own separation from the State
3 military forces by knowingly false representation or
4 deliberate concealment as to his or her eligibility for
5 that separation;
6 shall be punished as a court-martial may direct.

7 (20 ILCS 1807/104b new)

8 Sec. 104b. Article 104b. Unlawful enlistment, appointment,
9 or separation. Any person subject to this Code who affects an
10 enlistment or appointment in or a separation from the State
11 military forces of any person who is known to him to be
12 ineligible for that enlistment, appointment, or separation
13 because it is prohibited by law, regulation, or order shall be
14 punished as a court-martial may direct.

15 (20 ILCS 1807/105)

16 Sec. 105. Article 105. Forgery. ~~Misconduct as prisoner.~~ Any
17 person subject to this Code who, with intent to defraud ~~while~~
18 ~~in the hands of the enemy in time of war:~~

19 (1) falsely makes or alters any signature to, or any
20 part of, any writing which would, if genuine, apparently
21 impose a legal liability on another or change his or her
22 legal right or liability to his or her prejudice ~~for the~~
23 ~~purpose of securing favorable treatment by his captors acts~~
24 ~~without proper authority in a manner contrary to law,~~

1 ~~custom, or regulation, to the detriment of others of~~
2 ~~whatever nationality held by the enemy as civilian or~~
3 ~~military prisoners; or~~

4 (2) utters, offers, issues, or transfers such a
5 writing, known by him to be so made or altered ~~while in a~~
6 ~~position of authority over such persons maltreats them~~
7 ~~without justifiable cause;~~

8 is guilty of a forgery and shall be punished as a court-martial
9 may direct.

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

11 (20 ILCS 1807/105a new)

12 Sec. 105a. Article 105a. False or unauthorized pass
13 offenses.

14 (a) Any person subject to this Code who, wrongfully and
15 falsely, makes, alters, counterfeits, or tampers with a
16 military or official pass, permit, discharge certificate, or
17 identification card shall be punished as a court-martial may
18 direct.

19 (b) Any person subject to this Code who wrongfully sells,
20 gives, lends, or disposes of a false or unauthorized military
21 or official pass, permit, discharge certificate, or
22 identification card, knowing that the pass, permit, discharge
23 certificate, or identification card is false or unauthorized,
24 shall be punished as a court-martial may direct.

25 (c) Any person subject to this Code who wrongfully uses or

1 possesses a false or unauthorized military or official pass,
2 permit, discharge certificate, or identification card, knowing
3 that the pass, permit, discharge certificate, or
4 identification card is false or unauthorized, shall be punished
5 as a court-martial may direct.

6 (20 ILCS 1807/106)

7 Sec. 106. Article 106. Article 106. Impersonation of
8 officer, noncommissioned or petty officer, or agent or official
9 (Reserved).

10 (a) Any person subject to this Code who, wrongfully and
11 willfully, impersonates:

12 (1) an officer, a noncommissioned officer, or a petty
13 officer;

14 (2) an agent of superior authority of one of the armed
15 forces; or

16 (3) an official of a government;

17 shall be punished as a court-martial may direct.

18 (b) Any person subject to this Code who, wrongfully,
19 willfully, and with intent to defraud, impersonates any person
20 referred to in paragraph (1), (2), or (3) of subsection (a)
21 shall be punished as a court-martial may direct.

22 (c) Any person subject to this Code who, wrongfully,
23 willfully, and without intent to defraud, impersonates an
24 official of a government by committing an act that exercises or
25 asserts the authority of the office that the person claims to

1 have shall be punished as a court-martial may direct.

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

3 (20 ILCS 1807/106a)

4 Sec. 106a. Article 106a. Article 106a. Wearing
5 unauthorized insignia, decoration, badge, ribbon, device, or
6 lapel button ~~(Reserved)~~. Any person subject to this Code:

7 (1) who is not authorized to wear an insignia,
8 decoration, badge, ribbon, device, or lapel button; and

9 (2) who wrongfully wears such insignia, decoration,
10 badge, ribbon, device, or lapel button upon the person's
11 uniform or civilian clothing;

12 shall be punished as a court-martial may direct.

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

14 (20 ILCS 1807/107)

15 Sec. 107. Article 107. False official statements; false
16 swearing.

17 (a) Any person subject to this Code who, with intent to
18 deceive: ¶

19 (1) signs any false record, return, regulation, order,
20 or other official document ~~made in the line of duty,~~
21 knowing it to be false; ¶ or

22 (2) makes any other false official statement ~~made in~~
23 the line of duty, knowing it to be false; ¶

24 shall be punished as a court-martial may direct.

1 (b) Any person subject to this Code:

2 (1) who takes an oath that:

3 (A) is administered in a matter in which such oath
4 is required or authorized by law; and

5 (B) is administered by a person with authority to
6 do so; and

7 (2) who, upon such oath, makes or subscribes to a
8 statement; if the statement is false and at the time of
9 taking the oath, the person does not believe the statement
10 to be true,

11 shall be punished as a court-martial may direct.

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

13 (20 ILCS 1807/107a new)

14 Sec. 107a. Article 107a. Parole violation. Any person
15 subject to this Code:

16 (1) who, having been a prisoner as the result of a
17 court-martial conviction or other criminal proceeding, is
18 on parole with conditions; and

19 (2) who violates the conditions of parole;
20 shall be punished as a court-martial may direct.

21 (20 ILCS 1807/108a new)

22 Sec. 108a. Article 108a. Captured or abandoned property.

23 (a) All persons subject to this Code shall secure all
24 public property taken from the enemy for the service of the

1 United States, and shall give notice and turn over to the
2 proper authority without delay all captured or abandoned
3 property in their possession, custody, or control.

4 (b) Any person subject to this Code who:

5 (1) fails to carry out the duties prescribed in
6 subsection (a);

7 (2) buys, sells, trades, or in any way deals in or
8 disposes of captured or abandoned property, whereby he
9 receives or expects any profit, benefit, or advantage to
10 himself or another directly or indirectly connected with
11 himself; or

12 (3) engages in looting or pillaging; shall be punished
13 as a court-martial may direct.

14 (20 ILCS 1807/109a new)

15 Sec. 109a. Article 109a. Mail matter; wrongful taking;
16 opening.

17 (a) Any person subject to this Code who, with the intent to
18 obstruct the correspondence of, or to pry into the business or
19 secrets of, any person or organization, wrongfully takes mail
20 matter before the mail matter is delivered to or received by
21 the addressee shall be punished as a court-martial may direct.

22 (b) Any person subject to this Code who wrongfully opens,
23 secretes, destroys, or steals mail matter before the mail
24 matter is delivered to or received by the addressee shall be
25 punished as a court-martial may direct.

1 (20 ILCS 1807/110)

2 Sec. 110. Article 110. Improper hazarding of vessel or
3 aircraft.

4 (a) Any person subject to this Code who willfully and
5 wrongfully hazards or suffers to be hazarded any vessel or
6 aircraft of the armed forces of the United States or any state
7 military forces shall be punished my death or suffer such other
8 punishment as a court-martial may direct.

9 (b) Any person subject to this Code who negligently hazards
10 or suffers to be hazarded any vessel or aircraft of the armed
11 forces of the United States or any state military forces shall
12 be punished as a court-martial may direct.

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

14 (20 ILCS 1807/111)

15 Sec. 111. Article 111. Article 111. Leaving scene of
16 vehicle accident ~~(Reserved)~~.

17 (a) Any person subject to this Code:

18 (1) who is the driver of a vehicle that is involved in
19 an accident that results in personal injury or property
20 damage; and

21 (2) who wrongfully leaves the scene of the accident:

22 (A) without providing assistance to an injured
23 person; or

24 (B) without providing personal identification to

1 others involved in the accident or to appropriate
2 authorities;
3 shall be punished as a court-martial may direct.

4 (b) Any person subject to this Code:

5 (1) who is a passenger in a vehicle that is involved in
6 an accident that results in personal injury or property
7 damage;

8 (2) who is the superior commissioned or
9 noncommissioned officer of the driver of the vehicle or is
10 the commander of the vehicle; and

11 (3) who wrongfully and unlawfully orders, causes, or
12 permits the driver to leave the scene of the accident:

13 (A) without providing assistance to an injured
14 person; or

15 (B) without providing personal identification to
16 others involved in the accident or to appropriate
17 authorities;

18 shall be punished as a court-martial may direct.

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

20 (20 ILCS 1807/112)

21 Sec. 112. Article 112. Article 112. Drunkenness and other
22 incapacitation offenses ~~Drunk on duty.~~

23 (a) Any person subject to this Code ~~other than a sentinel~~
24 ~~or look-out,~~ who is found drunk on duty~~7~~ shall be punished as a
25 court-martial may direct.

1 (b) Any person subject to this Code who, as a result of
2 indulgence in any alcoholic beverage or any drug, is
3 incapacitated for the proper performance of duty shall be
4 punished as a court-martial may direct.

5 (c) Any person subject to this Code who is a prisoner and,
6 while in such status, is drunk shall be punished as a
7 court-martial may direct.

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

9 (20 ILCS 1807/113)

10 Sec. 113. Article 113. Article 113. Drunken or reckless
11 operation of a vehicle, aircraft, or vessel ~~Misbehavior of~~
12 ~~sentinel.~~

13 (a) Any person subject to this Code who: ~~Any sentinel or~~
14 ~~look-out who is found drunk or sleeping upon his post or leaves~~
15 ~~it before being regularly relieved shall be punished, if the~~
16 ~~offense is committed in time of war, by confinement of not more~~
17 ~~than 10 years or other punishment as a court martial may~~
18 ~~direct, but if the offense is committed at any other time, by~~
19 ~~such punishment as a court martial may direct.~~

20 (1) operates or physically controls any vehicle,
21 aircraft, or vessel in a reckless or wanton manner or while
22 impaired by a substance described in subsection (b) of
23 Article 112a; or

24 (2) operates or is in actual physical control of any
25 vehicle, aircraft, or vessel while drunk or when the

1 alcohol concentration in the person's blood or breath is
2 equal to or exceeds the applicable limit under subsection
3 (b);
4 shall be punished as a court-martial may direct.

5 (b) (1) For purposes of subsection (a), the applicable limit
6 on the alcohol concentration in a person's blood or breath is
7 as follows:

8 (A) In the case of the operation or control of a
9 vehicle, aircraft, or vessel in the United States, such
10 limit is the lesser of:

11 (i) the blood alcohol content limit under the law
12 of the State in which the conduct occurred, except as
13 may be provided under paragraph (2) for conduct on a
14 military installation that is in more than one State;
15 or

16 (ii) the blood alcohol content limit specified in
17 paragraph (3).

18 (B) In the case of the operation or control of a
19 vehicle, aircraft, or vessel outside the United States, the
20 applicable blood alcohol content limit is the blood alcohol
21 content limit specified in paragraph (3) or such lower
22 limit as the Secretary of Defense may by regulation
23 prescribe.

24 (2) In the case of a military installation that is in more
25 than one state, if those states have different blood alcohol
26 content limits under their respective state laws, the Secretary

1 may select one such blood alcohol content limit to apply
2 uniformly on that installation.

3 (3) For purposes of paragraph (1), the blood alcohol
4 content limit with respect to alcohol concentration in a
5 person's blood is 0.08 grams of alcohol per 100 milliliters of
6 blood and with respect to alcohol concentration in a person's
7 breath is 0.08 grams of alcohol per 210 liters of breath, as
8 shown by chemical analysis. The Secretary may by regulation
9 prescribe limits that are lower than the limits specified in
10 the preceding sentence, if such lower limits are based on
11 scientific developments, as reflected in federal law of general
12 applicability.

13 (4) In this subsection:

14 (A) "Blood alcohol content limit" means the amount of
15 alcohol concentration in a person's blood or breath at
16 which operation or control of a vehicle, aircraft, or
17 vessel is prohibited.

18 (B) "United States" includes the District of Columbia,
19 the Commonwealth of Puerto Rico, the Virgin Islands, Guam,
20 and American Samoa and the term "state" includes each of
21 those jurisdictions.

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

23 (20 ILCS 1807/114)

24 Sec. 114. Article 114. Article 114. Endangerment offenses
25 Dueling.

1 (a) Any person subject to this Code who engages in conduct
2 that: fights or promotes, or is concerned in or connives at
3 fighting a duel, or who, having knowledge of a challenge sent
4 or about to be sent, fails to report the fact promptly to the
5 proper authority, shall be punished as a court martial may
6 direct.

7 (1) is wrongful and reckless or is wanton; and

8 (2) is likely to produce death or grievous bodily harm
9 to another person;

10 shall be punished as a court-martial may direct.

11 (b) Any person subject to this Code:

12 (1) who fights or promotes, or is concerned in or
13 connives at fighting, a duel; or

14 (2) who, having knowledge of a challenge sent or about
15 to be sent, fails to report the facts promptly to the
16 proper authority;

17 shall be punished as a court-martial may direct.

18 (c) Any person subject to this Code who, willfully and
19 wrongly, discharges a firearm, under circumstances such as to
20 endanger human life, shall be punished as a court-martial may
21 direct.

22 (d) Any person subject to this Code who unlawfully carries
23 a dangerous weapon concealed on or about his or her person
24 shall be punished as a court-martial may direct.

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

1 (20 ILCS 1807/115)

2 Sec. 115. Article 115. Article 115. Communicating threats
3 Malingering.

4 (a) Any person subject to this Code who wrongfully
5 communicates a threat to injure the person, property, or
6 reputation of another shall be punished as a court-martial may
7 direct.

8 (b) Any person subject to this Code who wrongfully
9 communicates a threat to injure the person or property of
10 another by use of (1) an explosive, (2) a weapon of mass
11 destruction, (3) a biological or chemical agent, substance, or
12 weapon, or (4) a hazardous material, shall be punished as a
13 court-martial may direct.

14 (c) Any person subject to this Code who maliciously
15 communicates a false threat concerning injury to the person or
16 property of another by use of (1) an explosive, (2) a weapon of
17 mass destruction, (3) a biological or chemical agent,
18 substance, or weapon, or (4) a hazardous material, shall be
19 punished as a court-martial may direct. As used in this
20 subsection, "false threat" means a threat that, at the time the
21 threat is communicated, is known to be false by the person
22 communicating the threat.

23 ~~Any person subject to this Code who for the purpose of avoiding~~
24 ~~work, duty, or service:~~

25 ~~(1) feigns illness, physical disablement, mental~~
26 ~~lapse, or derangement; or~~

1 ~~(2) intentionally inflicts self injury;~~
2 ~~shall be punished as a court-martial may direct.~~

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

4 (20 ILCS 1807/118)

5 Sec. 118. Article 118. Article 118. Murder ~~(Reserved)~~. Any
6 person subject to this Code who, without justification or
7 excuse, unlawfully kills a human being, when he or she:

8 (1) has a premeditated design to kill;

9 (2) intends to kill or inflict great bodily harm;

10 (3) is engaged in an act which is inherently dangerous
11 to another and evinces a wanton disregard of human life; or

12 (4) is engaged in the perpetration or attempted
13 perpetration of burglary, rape, rape of a child, sexual
14 assault, sexual assault of a child, aggravated sexual
15 contact, sexual abuse of a child, robbery or aggravated
16 arson; is guilty of murder, and shall suffer such
17 punishment as a court-martial may direct, except that if
18 found guilty under paragraph (1) or (4), he or she shall
19 suffer death or imprisonment for life as a court-martial
20 may direct.

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

22 (20 ILCS 1807/119)

23 Sec. 119. Article 119. Article 119. Manslaughter
24 ~~(Reserved)~~.

1 (a) Any person subject to this Code who, with an intent to
2 kill or inflict great bodily harm, unlawfully kills a human
3 being in the heat of sudden passion caused by adequate
4 provocation is guilty of voluntary manslaughter and shall be
5 punished as a court-martial may direct.

6 (b) Any person subject to this Code who, without an intent
7 to kill or inflict great bodily harm, unlawfully kills a human
8 being:

9 (1) by culpable negligence; or

10 (2) while perpetrating or attempting to perpetrate an
11 offense, other than those named in paragraph (4) of Article
12 118, directly affecting the person;
13 is guilty of involuntary manslaughter and shall be punished as
14 a court-martial may direct.

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

16 (20 ILCS 1807/119a new)

17 Sec. 119a. Article 119a. Death or injury of an unborn
18 child.

19 (a) (1) Any person subject to this Code who engages in
20 conduct that violates any of the provisions of law listed in
21 subsection (b) and thereby causes the death of, or bodily
22 injury (as defined in Section 1365 of Title 18 of the United
23 States Code) to, a child, who is in utero at the time the
24 conduct takes place, is guilty of a separate offense under this
25 Article and shall, upon conviction, be punished by such

1 punishment, other than death, as a court-martial may direct,
2 which shall be consistent with the punishments prescribed by
3 the Governor for that conduct had that injury or death occurred
4 to the unborn child's mother.

5 (2) An offense under this Article does not require
6 proof that:

7 (A) the person engaging in the conduct had
8 knowledge or should have had knowledge that the victim
9 of the underlying offense was pregnant; or

10 (B) the accused intended to cause the death of, or
11 bodily injury to, the unborn child.

12 (3) If the person engaging in the conduct thereby
13 intentionally kills or attempts to kill the unborn child,
14 that person shall, instead of being punished under
15 paragraph (1), be punished as provided under Articles 80,
16 119, and 119(a) of this Code for intentionally killing or
17 attempting to kill a human being.

18 (4) Notwithstanding any other provision of law, the
19 death penalty shall not be imposed for an offense under
20 this Article.

21 (b) The provisions referred to in subsection (a) are
22 Articles 118, 119(a), 119(b) (2), 120(a), 122, 126, 128, and
23 128a of this Code.

24 (c) Nothing in this Article shall be construed to permit
25 the prosecution:

26 (1) of any person for conduct relating to an abortion

1 for which the consent of the pregnant woman, or a person
2 authorized by law to act on her behalf, has been obtained
3 or for which such consent is implied by law;

4 (2) of any person for any medical treatment of the
5 pregnant woman or her unborn child; or

6 (3) of any woman with respect to her unborn child.

7 (d) In this Article, "unborn child" means a child in utero,
8 and "child in utero" or "child, who is in utero" means a member
9 of the species homo sapiens, at any stage of development, who
10 is carried in the womb.

11 (20 ILCS 1807/119b new)

12 Sec. 119b. Article 119b. Child endangerment. Any person
13 subject to this Code:

14 (1) who has a duty for the care of a child under the
15 age of 16 years; and

16 (2) who, through design or culpable negligence,
17 endangers the child's mental or physical health, safety, or
18 welfare;

19 shall be punished as a court-martial may direct.

20 (20 ILCS 1807/120)

21 Sec. 120. Article 120. Rape and sexual assault generally
22 (Reserved).

23 (a) Any person subject to this Code who commits a sexual
24 act upon another person by:

- 1 (1) using unlawful force against that other person;
2 (2) using force causing or likely to cause death or
3 grievous bodily harm to any person;
4 (3) threatening or placing that other person in fear
5 that any person will be subjected to death, grievous bodily
6 harm, or kidnapping;
7 (4) first rendering that other person unconscious; or
8 (5) administering to that other person by force or
9 threat of force, or without the knowledge or consent of
10 that person, a drug, intoxicant, or other similar substance
11 and thereby substantially impairing the ability of that
12 other person to appraise or control conduct;

13 is guilty of rape and shall be punished as a court-martial may
14 direct.

15 (b) Any person subject to this Code who:

- 16 (1) commits a sexual act upon another person by:
17 (A) threatening or placing that other person in
18 fear;
19 (B) making a fraudulent representation that the
20 sexual act serves a professional purpose; or
21 (C) inducing a belief by any artifice, pretense, or
22 concealment that the person is another person;
23 (2) commits a sexual act upon another person:
24 (A) without the consent of the other person; or
25 (B) when the person knows or reasonably should know
26 that the other person is asleep, unconscious, or

1 otherwise unaware that the sexual act is occurring;

2 (3) commits a sexual act upon another person when the
3 other person is incapable of consenting to the sexual act
4 due to:

5 (A) impairment by any drug, intoxicant, or other
6 similar substance, and that condition is known or
7 reasonably should be known by the person; or

8 (B) a mental disease or defect, or physical
9 disability, and that condition is known or reasonably
10 should be known by the person;

11 is guilty of sexual assault and shall be punished as a
12 court-martial may direct.

13 (c) Any person subject to this Code who commits or causes
14 sexual contact upon or by another person, if to do so would
15 violate subsection (a) (rape) had the sexual contact been a
16 sexual act, is guilty of aggravated sexual contact and shall be
17 punished as a court-martial may direct.

18 (d) Any person subject to this Code who commits or causes
19 sexual contact upon or by another person, if to do so would
20 violate subsection (b) (sexual assault) had the sexual contact
21 been a sexual act, is guilty of abusive sexual contact and
22 shall be punished as a court-martial may direct.

23 (e) In a prosecution under this Article, in proving that a
24 person made a threat, it need not be proven that the person
25 actually intended to carry out the threat or had the ability to
26 carry out the threat.

1 (f) An accused may raise any applicable defenses available
2 under this Code or the Rules for Court-Martial as described in
3 the Manual for Courts-Martial, United States (2012 Edition).
4 Marriage is not a defense for any conduct in issue in any
5 prosecution under this Article.

6 (g) In this Article:

7 (1) "Sexual act" means:

8 (A) the penetration, however slight, of the penis
9 into the vulva or anus or mouth;

10 (B) contact between the mouth and the penis, vulva,
11 scrotum, or anus; or

12 (C) the penetration, however slight, of the vulva
13 or penis or anus of another by any part of the body or
14 any object, with an intent to abuse, humiliate, harass,
15 or degrade any person or to arouse or gratify the
16 sexual desire of any person.

17 (2) "Sexual contact" means touching, or causing
18 another person to touch, either directly or through the
19 clothing, the vulva, penis, scrotum, anus, groin, breast,
20 inner thigh, or buttocks of any person, with an intent to
21 abuse, humiliate, harass, or degrade any person or to
22 arouse or gratify the sexual desire of any person. Touching
23 may be accomplished by any part of the body or an object.

24 (3) "Grievous bodily harm" means serious bodily
25 injury. It includes fractured or dislocated bones, deep
26 cuts, torn members of the body, serious damage to internal

1 organs, and other severe bodily injuries. It does not
2 include minor injuries such as a black eye or a bloody
3 nose.

4 (4) "Force" means:

5 (A) the use of a weapon;

6 (B) the use of such physical strength or violence
7 as is sufficient to overcome, restrain, or injure a
8 person; or

9 (C) inflicting physical harm sufficient to coerce
10 or compel submission by the victim.

11 (5) "Unlawful force" means an act of force done without
12 legal justification or excuse.

13 (6) "Threatening or placing that other person in fear"
14 means a communication or action that is of sufficient
15 consequence to cause a reasonable fear that non-compliance
16 will result in the victim or another person being subjected
17 to the wrongful action contemplated by the communication or
18 action.

19 (7) (A) "Consent" means a freely given agreement to the
20 conduct at issue by a competent person. An expression of
21 lack of consent through words or conduct means there is no
22 consent. Lack of verbal or physical resistance does not
23 constitute consent. Submission resulting from the use of
24 force, threat of force, or placing another person in fear
25 also does not constitute consent. A current or previous
26 dating or social or sexual relationship by itself or the

1 manner of dress of the person involved with the accused in
2 the conduct at issue does not constitute consent.

3 (B) A sleeping, unconscious, or incompetent person
4 cannot consent. A person cannot consent to force causing or
5 likely to cause death or grievous bodily harm or to being
6 rendered unconscious. A person cannot consent while under
7 threat or in fear or under the circumstances described in
8 subparagraph (B) or (C) of paragraph (1) of subsection (b).

9 (C) All the surrounding circumstances are to be
10 considered in determining whether a person gave consent.

11 (8) "Incapable of consenting" means the person is:

12 (A) incapable of appraising the nature of the
13 conduct at issue; or

14 (B) physically incapable of declining
15 participation in, or communicating unwillingness to
16 engage in, the sexual act at issue.

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

18 (20 ILCS 1807/120a new)

19 Sec. 120a. Article 120a. Mails; deposit of obscene matter.
20 Any person subject to this Code who, wrongfully and knowingly,
21 deposits obscene matter for mailing and delivery shall be
22 punished as a court-martial may direct.

23 (20 ILCS 1807/120b new)

24 Sec. 120b. Article 120b. Rape and sexual assault of a

1 child.

2 (a) Any person subject to this Code who:

3 (1) commits a sexual act upon a child who has not
4 attained the age of 12 years; or

5 (2) commits a sexual act upon a child who has attained
6 the age of 12 years by:

7 (A) using force against any person;

8 (B) threatening or placing that child in fear;

9 (C) rendering that child unconscious; or

10 (D) administering to that child a drug,
11 intoxicant, or other similar substance;

12 is guilty of rape of a child and shall be punished as a
13 court-martial may direct.

14 (b) Any person subject to this Code who commits a sexual
15 act upon a child who has attained the age of 12 years is guilty
16 of sexual assault of a child and shall be punished as a
17 court-martial may direct.

18 (c) Any person subject to this Code who commits a lewd act
19 upon a child is guilty of sexual abuse of a child and shall be
20 punished as a court-martial may direct.

21 (d) (1) In a prosecution under this Article, it need not be
22 proven that the accused knew the age of the other person
23 engaging in the sexual act or lewd act. It is not a defense
24 that the accused reasonably believed that the child had
25 attained the age of 12 years.

26 (2) In a prosecution under this Article, it need not be

1 proven that the accused knew that the other person engaging in
2 the sexual act or lewd act had not attained the age of 16
3 years, but it is a defense in a prosecution under subsection
4 (b) (sexual assault of a child) or subsection (c) (sexual abuse
5 of a child), which the accused must prove by a preponderance of
6 the evidence, that the accused reasonably believed that the
7 child had attained the age of 16 years, if the child had in
8 fact attained at least the age of 12 years.

9 (e) In a prosecution under this Article, in proving that a
10 person made a threat, it need not be proven that the person
11 actually intended to carry out the threat or had the ability to
12 carry out the threat.

13 (f) In a prosecution under subsection (b) or subsection
14 (c), it is a defense, which the accused must prove by a
15 preponderance of the evidence, that the persons engaging in the
16 sexual act or lewd act were at that time married to each other,
17 except where the accused commits a sexual act upon the person
18 when the accused knows or reasonably should know that the other
19 person is asleep, unconscious, or otherwise unaware that the
20 sexual act is occurring or when the other person is incapable
21 of consenting to the sexual act due to impairment by any drug,
22 intoxicant, or other similar substance, and that condition was
23 known or reasonably should have been known by the accused.

24 (g) Lack of consent is not an element and need not be
25 proven in any prosecution under this Article. A child not
26 legally married to the person committing the sexual act, lewd

1 act, or use of force cannot consent to any sexual act, lewd
2 act, or use of force.

3 (h) In this Article:

4 (1) "Sexual act" and "sexual contact" have the meanings
5 given those terms in subsection (g) of Article 120, except
6 that the term "sexual act" also includes the intentional
7 touching, not through the clothing, of the genitalia of
8 another person who has not attained the age of 16 years
9 with an intent to abuse, humiliate, harass, degrade, or
10 arouse or gratify the sexual desire of any person.

11 (2) "Force" means:

12 (A) the use of a weapon;

13 (B) the use of such physical strength or violence
14 as is sufficient to overcome, restrain, or injure a
15 child; or

16 (C) inflicting physical harm.

17 In the case of a parent-child or similar
18 relationship, the use or abuse of parental or similar
19 authority is sufficient to constitute the use of force.

20 (3) "Threatening or placing that child in fear" means a
21 communication or action that is of sufficient consequence
22 to cause the child to fear that non-compliance will result
23 in the child or another person being subjected to the
24 action contemplated by the communication or action.

25 (4) "Child" means any person who has not attained the
26 age of 16 years.

1 (5) "Lewd act" means:

2 (A) any sexual contact with a child;

3 (B) intentionally exposing one's genitalia, anus,
4 buttocks, or female areola or nipple to a child by any
5 means, including via any communication technology,
6 with an intent to abuse, humiliate, or degrade any
7 person, or to arouse or gratify the sexual desire of
8 any person;

9 (C) intentionally communicating indecent language
10 to a child by any means, including via any
11 communication technology, with an intent to abuse,
12 humiliate, or degrade any person, or to arouse or
13 gratify the sexual desire of any person; or

14 (D) any indecent conduct, intentionally done with
15 or in the presence of a child, including via any
16 communication technology, that amounts to a form of
17 immorality relating to sexual impurity which is
18 grossly vulgar, obscene, and repugnant to common
19 propriety, and tends to excite sexual desire or deprave
20 morals with respect to sexual relations.

21 (20 ILCS 1807/120c new)

22 Sec. 120c. Article 120c. Other sexual misconduct.

23 (a) Any person subject to this Code who, without legal
24 justification or lawful authorization:

25 (1) knowingly and wrongfully views the private area of

1 another person, without that other person's consent and
2 under circumstances in which that other person has a
3 reasonable expectation of privacy;

4 (2) knowingly photographs, videotapes, films, or
5 records by any means the private area of another person,
6 without that other person's consent and under
7 circumstances in which that other person has a reasonable
8 expectation of privacy; or

9 (3) knowingly broadcasts or distributes any such
10 recording that the person knew or reasonably should have
11 known was made under the circumstances proscribed in
12 paragraphs (1) and (2);

13 is guilty of an offense under this Article and shall be
14 punished as a court-martial may direct.

15 (b) Any person subject to this Code who compels another
16 person to engage in an act of prostitution with any person is
17 guilty of forcible pandering and shall be punished as a
18 court-martial may direct.

19 (c) Any person subject to this Code who intentionally
20 exposes, in an indecent manner, the genitalia, anus, buttocks,
21 or female areola or nipple is guilty of indecent exposure and
22 shall be punished as a court-martial may direct.

23 (d) In this Article:

24 (1) "Act of prostitution" means a sexual act or sexual
25 contact (as defined in subsection (g) of Article 120) on
26 account of which anything of value is given to, or received

1 by, any person.

2 (2) "Private area" means the naked or underwear-clad
3 genitalia, anus, buttocks, or female areola or nipple.

4 (3) "Under circumstances in which that other person has
5 a reasonable expectation of privacy" means:

6 (A) circumstances in which a reasonable person
7 would believe that he or she could disrobe in privacy,
8 without being concerned that an image of a private area
9 of the person was being captured; or

10 (B) circumstances in which a reasonable person
11 would believe that a private area of the person would
12 not be visible to the public.

13 (4) "Broadcast" means to electronically transmit a
14 visual image with the intent that it be viewed by a person
15 or persons.

16 (5) "Distribute" means delivering to the actual or
17 constructive possession of another, including transmission
18 by electronic means.

19 (6) "Indecent manner" means conduct that amounts to a
20 form of immorality relating to sexual impurity which is
21 grossly vulgar, obscene, and repugnant to common
22 propriety, and tends to excite sexual desire or deprave
23 morals with respect to sexual relations.

24 (20 ILCS 1807/121)

25 Sec. 121. Article 121. Larceny and wrongful appropriation

1 ~~(Reserved)~~.

2 (a) Any person subject to this Code who wrongfully takes,
3 obtains, or withholds, by any means, from the possession of the
4 owner or of any other person any money, personal property, or
5 article of value of any kind:

6 (1) with intent permanently to deprive or defraud
7 another person of the use and benefit of property or to
8 appropriate it to his or her own use or the use of any
9 person other than the owner, steals that property and is
10 guilty of larceny; or

11 (2) with intent temporarily to deprive or defraud
12 another person of the use and benefit of property or to
13 appropriate it to his or her own use or the use of any
14 person other than the owner, is guilty of wrongful
15 appropriation.

16 (b) Any person found guilty of larceny or wrongful
17 appropriation shall be punished as a court-martial may direct.

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

19 (20 ILCS 1807/121a new)

20 Sec. 121a. Article 121a. Fraudulent use of credit cards,
21 debit cards, and other access devices.

22 (a) Any person subject to this Code who, knowingly and with
23 intent to defraud, uses:

24 (1) a stolen credit card, debit card, or other access
25 device;

1 (2) a revoked, cancelled, or otherwise invalid credit
2 card, debit card, or other access device; or

3 (3) a credit card, debit card, or other access device
4 without the authorization of a person whose authorization
5 is required for such use; to obtain money, property,
6 services, or anything else of value shall be punished as a
7 court-martial may direct.

8 (b) In this Article, "access device" has the meaning given
9 that term in Section 1029 of Title 18 of the United States
10 Code.

11 (20 ILCS 1807/122)

12 Sec. 122. Article 122. Robbery ~~(Reserved)~~. Any person
13 subject to this Code who takes anything of value from the
14 person or in the presence of another, against his or her will,
15 by means of force or violence or fear of immediate or future
16 injury to his or her person or property or to the person or
17 property of a relative or member of his or her family or of
18 anyone in his or her company at the time of the robbery, is
19 guilty of robbery and shall be punished as a court-martial may
20 direct.

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

22 (20 ILCS 1807/122a new)

23 Sec. 122a. Article 122a. Receiving stolen property. Any
24 person subject to this Code who wrongfully receives, buys, or

1 conceals stolen property, knowing the property to be stolen
2 property, shall be punished as a court-martial may direct.

3 (20 ILCS 1807/123)

4 Sec. 123. Article 123. Offenses concerning Government
5 computers ~~(Reserved)~~.

6 (a) Any person subject to this Code who:

7 (1) knowingly accesses a Government computer, with an
8 unauthorized purpose, and by doing so obtains classified
9 information, with reason to believe such information could
10 be used to the injury of the United States, or to the
11 advantage of any foreign nation, and intentionally
12 communicates, delivers, transmits, or causes to be
13 communicated, delivered, or transmitted such information
14 to any person not entitled to receive it;

15 (2) intentionally accesses a Government computer, with
16 an unauthorized purpose, and thereby obtains classified or
17 other protected information from any such Government
18 computer; or

19 (3) knowingly causes the transmission of a program,
20 information, code, or command, and as a result of such
21 conduct, intentionally causes damage without authorization
22 to a Government computer;

23 shall be punished as a court-martial may direct.

24 (b) In this Article:

25 (1) "Computer" has the meaning given that term in

1 Section 1030 of Title 18 of the United States Code.

2 (2) "Government computer" means a computer owned or
3 operated by or on behalf of the United States Government or
4 State government.

5 (3) "Damage" has the meaning given that term in Section
6 1030 of Title 18 of the United States Code.

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

8 (20 ILCS 1807/123a)

9 Sec. 123a. Article 123a. Making, drawing, or uttering
10 checks, draft, or order without sufficient funds ~~(Reserved)~~.

11 Any person subject to this Code who:

12 (1) for the procurement of any article or thing of
13 value, with intent to defraud; or

14 (2) for the payment of any past due obligation, or for
15 any other purpose, with intent to deceive; makes, draws,
16 utters, or delivers any check, draft, or order for the
17 payment of money upon any bank or other depository, knowing
18 at the time that the maker or drawer has not or will not
19 have sufficient funds in, or credit with, the bank or other
20 depository for the payment of that check, draft, or order
21 in full upon its presentment;

22 shall be punished as a court-martial may direct. The making,
23 drawing, uttering, or delivering by a maker or drawer of a
24 check, draft, or order, payment of which is refused by the
25 drawee because of insufficient funds of the maker or drawer in

1 the drawee's possession or control, is prima facie evidence of
2 his or her intent to defraud or deceive and of his or her
3 knowledge of insufficient funds in, or credit with, that bank
4 or other depository, unless the maker or drawer pays the holder
5 the amount due within 5 days after receiving notice, orally or
6 in writing, that the check, draft, or order was not paid on
7 presentment.

8 In this Article, "credit" means an arrangement or
9 understanding, express or implied, with the bank or other
10 depository for the payment of that check, draft, or order.

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

12 (20 ILCS 1807/124)

13 Sec. 124. Article 124. Frauds against the United States
14 ~~(Reserved)~~. Any person subject to this Code:

15 (1) who, knowing it to be false or fraudulent:

16 (A) makes any claim against the United States or
17 any officer thereof; or

18 (B) presents to any person in the civil or military
19 service thereof, for approval or payment, any claim
20 against the United States or any officer thereof;

21 (2) who, for the purpose of obtaining the approval,
22 allowance, or payment of any claim against the United
23 States or any officer thereof:

24 (A) makes or uses any writing or other paper
25 knowing it to contain any false or fraudulent

1 statements;

2 (B) makes any oath to any fact or to any writing or
3 other paper knowing the oath to be false; or

4 (C) forges or counterfeits any signature upon any
5 writing or other paper, or uses any such signature
6 knowing it to be forged or counterfeited;

7 (3) who, having charge, possession, custody or control
8 of any money, or other property of the United States,
9 furnished or intended for the armed forces thereof,
10 knowingly delivers to any person having authority to
11 receive it, any amount thereof less than that for which he
12 or she receives a certificate or receipt; or

13 (4) who, being authorized to make or deliver any paper
14 certifying the receipt of any property of the United States
15 furnished or intended for the armed forces thereof, makes
16 or delivers to any person such writing without having full
17 knowledge of the truth of the statements therein contained
18 and with intent to defraud the United States;

19 shall, upon conviction, be punished as a court-martial may
20 direct.

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

22 (20 ILCS 1807/124a new)

23 Sec. 124a. Article 124a. Bribery.

24 (a) Any person subject to this Code:

25 (1) who occupies an official position or who has

1 official duties; and

2 (2) who wrongfully asks, accepts, or receives a thing
3 of value with the intent to have the person's decision or
4 action influenced with respect to an official matter in
5 which the United States is interested;

6 shall be punished as a court-martial may direct.

7 (b) Any person subject to this Code who wrongfully
8 promises, offers, or gives a thing of value to another person,
9 who occupies an official position or who has official duties,
10 with the intent to influence the decision or action of the
11 other person with respect to an official matter in which the
12 United States is interested, shall be punished as a
13 court-martial may direct.

14 (20 ILCS 1807/124b new)

15 Sec. 124b. Article 124b. Graft.

16 (a) Any person subject to this Code:

17 (1) who occupies an official position or who has
18 official duties; and

19 (2) who wrongfully asks, accepts, or receives a thing
20 of value as compensation for or in recognition of services
21 rendered or to be rendered by the person with respect to an
22 official matter in which the United States or this State is
23 interested;

24 shall be punished as a court-martial may direct.

25 (b) Any person subject to this Code who wrongfully

1 promises, offers, or gives a thing of value to another person,
2 who occupies an official position or who has official duties,
3 as compensation for or in recognition of services rendered or
4 to be rendered by the other person with respect to an official
5 matter in which the United States or this State is interested,
6 shall be punished as a court-martial may direct.

7 (20 ILCS 1807/125)

8 Sec. 125. Article 125. Kidnapping ~~(Reserved)~~. Any person
9 subject to this Code who wrongfully:

10 (1) seizes, confines, inveigles, decoys, or carries
11 away another person; and

12 (2) holds the other person against that person's will;
13 shall be punished as a court-martial may direct.

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

15 (20 ILCS 1807/126)

16 Sec. 126. Article 126. Arson; burning property with intent
17 to defraud ~~(Reserved)~~.

18 (a) Any person subject to this Code who, willfully and
19 maliciously, burns or sets on fire an inhabited dwelling, or
20 any other structure, movable or immovable, wherein, to the
21 knowledge of that person, there is at the time a human being,
22 is guilty of aggravated arson and shall be punished as a
23 court-martial may direct.

24 (b) Any person subject to this Code who, willfully and

1 maliciously, burns or sets fire to the property of another is
2 guilty of simple arson and shall be punished as a court-martial
3 may direct.

4 (c) Any person subject to this Code who, willfully,
5 maliciously, and with intent to defraud, burns or sets fire to
6 any property shall be punished as a court-martial may direct.

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

8 (20 ILCS 1807/127)

9 Sec. 127. Article 127. Extortion ~~(Reserved)~~. Any person
10 subject to this Code who communicates threats to another person
11 with the intention thereby to obtain anything of value or any
12 acquittance, advantage, or immunity is guilty of extortion and
13 shall be punished as a court-martial may direct.

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

15 (20 ILCS 1807/128)

16 Sec. 128. Article 128. Assault ~~(Reserved)~~.

17 (a) Any person subject to this Code who, unlawfully and
18 with force or violence:

19 (1) attempts to do bodily harm to another person;

20 (2) offers to do bodily harm to another person; or

21 (3) does bodily harm to another person;

22 is guilty of assault and shall be punished as a court-martial
23 may direct.

24 (b) Any person subject to this Code:

1 (1) who, with the intent to do bodily harm, offers to
2 do bodily harm with a dangerous weapon; or

3 (2) who, in committing an assault, inflicts
4 substantial bodily harm or grievous bodily harm on another
5 person;

6 is guilty of aggravated assault and shall be punished as a
7 court-martial may direct.

8 (c) (1) Any person subject to this Code who commits assault
9 with intent to commit an offense specified in paragraph (2)
10 shall be punished as a court-martial may direct.

11 (2) The offenses referred to in paragraph (1) are murder,
12 voluntary manslaughter, rape, sexual assault, rape of a child,
13 sexual assault of a child, robbery, arson, burglary, and
14 kidnapping.

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

16 (20 ILCS 1807/128a new)

17 Sec. 128a. Article 128a. Maiming. Any person subject to
18 this Code who, with intent to injure, disfigure, or disable,
19 inflicts upon the person of another an injury which:

20 (1) seriously disfigures his or her person by any
21 mutilation thereof;

22 (2) destroys or disables any member or organ of his or
23 her body; or

24 (3) seriously diminishes his or her physical vigor by
25 the injury of any member or organ;

1 is guilty of maiming and shall be punished as a court-martial
2 may direct.

3 (20 ILCS 1807/129)

4 Sec. 129. Article 129. Burglary; unlawful entry
5 ~~(Reserved).~~

6 (a) Any person subject to this Code who, with intent to
7 commit an offense under this Code, breaks and enters the
8 building or structure of another shall be punished as a
9 court-martial may direct.

10 (b) Any person subject to this Code who unlawfully enters:

11 (1) the real property of another; or

12 (2) the personal property of another which amounts to a
13 structure usually used for habitation or storage;

14 shall be punished as a court-martial may direct.

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

16 (20 ILCS 1807/130)

17 Sec. 130. Article 130. Stalking ~~(Reserved).~~

18 (a) Any person subject to this Code:

19 (1) who wrongfully engages in a course of conduct
20 directed at a specific person that would cause a reasonable
21 person to fear death or bodily harm, including sexual
22 assault, to himself or herself, to a member of his or her
23 immediate family, or to his or her intimate partner;

24 (2) who has knowledge, or should have knowledge, that

1 the specific person will be placed in reasonable fear of
2 death or bodily harm, including sexual assault, to himself
3 or herself, to a member of his or her immediate family, or
4 to his or her intimate partner; and

5 (3) whose conduct induces reasonable fear in the
6 specific person of death or bodily harm, including sexual
7 assault, to himself or herself, to a member of his or her
8 immediate family, or to his or her intimate partner; is
9 guilty of stalking and shall be punished as a court-martial
10 may direct.

11 (b) In this Article:

12 (1) "Conduct" means conduct of any kind, including use
13 of surveillance, the mails, an interactive computer
14 service, an electronic communication service, or an
15 electronic communication system.

16 (2) "Course of conduct" means:

17 (A) a repeated maintenance of visual or physical
18 proximity to a specific person;

19 (B) a repeated conveyance of verbal threat,
20 written threats, or threats implied by conduct, or a
21 combination of such threats, directed at or toward a
22 specific person; or

23 (C) a pattern of conduct composed of repeated acts
24 evidencing a continuity of purpose.

25 (3) "Repeated", with respect to conduct, means 2 or
26 more occasions of such conduct.

1 (4) "Immediate family", in the case of a specific
2 person, means:

3 (A) that person's spouse, parent, brother or
4 sister, child, or other person to whom he or she stands
5 in loco parentis; or

6 (B) any other person living in his or her household
7 and related to him or her by blood or marriage.

8 (5) "Intimate partner", in the case of a specific
9 person, means:

10 (A) a former spouse of the specific person, a
11 person who shares a child in common with the specific
12 person, or a person who cohabits with or has cohabited
13 as a spouse with the specific person; or

14 (B) a person who has been in a social relationship
15 of a romantic or intimate nature with the specific
16 person, as determined by the length of the
17 relationship, the type of relationship, and the
18 frequency of interaction between the persons involved
19 in the relationship.

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

21 (20 ILCS 1807/131)

22 Sec. 131. Article 131. Perjury ~~(Reserved)~~. Any person
23 subject to this Code who in a judicial proceeding or in a
24 course of justice willfully and corruptly:

25 (1) upon a lawful oath or in any form allowed by law to

1 be substituted for an oath, gives any false testimony
2 material to the issue or matter of inquiry; or
3 (2) in any declaration, certificate, verification, or
4 statement under penalty of perjury as permitted under
5 Section 1746 of Title 28 of the United States Code,
6 subscribes any false statement material to the issue or
7 matter of inquiry;
8 is guilty of perjury and shall be punished as a court-martial
9 may direct.

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

11 (20 ILCS 1807/131a new)

12 Sec. 131a. Article 131a. Subornation of perjury.

13 (a) Any person subject to this Code who induces and
14 procures another person:

15 (1) to take an oath; and

16 (2) to falsely testify, depose, or state upon such
17 oath;

18 shall, if the conditions specified in subsection (b) are
19 satisfied, be punished as a court-martial may direct.

20 (b) The conditions referred to in subsection (a) are the
21 following:

22 (1) The oath is administered with respect to a matter
23 for which such oath is required or authorized by law.

24 (2) The oath is administered by a person having
25 authority to do so.

1 (3) Upon the oath, the other person willfully makes or
2 subscribes a statement.

3 (4) The statement is material.

4 (5) The statement is false.

5 (6) When the statement is made or subscribed, the
6 person subject to this Code and the other person do not
7 believe that the statement is true.

8 (20 ILCS 1807/131b new)

9 Sec. 131b. Article 131b. Obstructing justice. Any person
10 subject to this Code who engages in conduct in the case of a
11 certain person against whom the accused had reason to believe
12 there were or would be criminal or disciplinary proceedings
13 pending, with intent to influence, impede, or otherwise
14 obstruct the due administration of justice shall be punished as
15 a court-martial may direct.

16 (20 ILCS 1807/131c new)

17 Sec. 131c. Article 131c. Misprision of serious offense. Any
18 person subject to this Code:

19 (1) who knows that another person has committed a
20 serious offense; and

21 (2) wrongfully conceals the commission of the offense
22 and fails to make the commission of the offense known to
23 civilian or military authorities as soon as possible;
24 shall be punished as a court-martial may direct.

1 (20 ILCS 1807/131d new)

2 Sec. 131d. Article 131d. Wrongful refusal to testify. Any
3 person subject to this Code who, in the presence of a
4 court-martial, a board of officers, a military commission, a
5 court of inquiry, preliminary hearing, or an officer taking a
6 deposition, of or for the United States or this State,
7 wrongfully refuses to qualify as a witness or to answer a
8 question after having been directed to do so by the person
9 presiding shall be punished as a court-martial may direct.

10 (20 ILCS 1807/131e new)

11 Sec. 131e. Article 131e. Prevention of authorized seizure
12 of property. Any person subject to this Code who, knowing that
13 one or more persons authorized to make searches and seizures
14 are seizing, are about to seize, or are endeavoring to seize
15 property, destroys, removes, or otherwise disposes of the
16 property with intent to prevent the seizure thereof shall be
17 punished as a court-martial may direct.

18 (20 ILCS 1807/131f new)

19 Sec. 131f. Article 131f. Noncompliance with procedural
20 rules. Any person subject to this Code who:

21 (1) is responsible for unnecessary delay in the
22 disposition of any case of a person accused of an offense
23 under this Code; or

1 (2) knowingly and intentionally fails to enforce or
2 comply with any provision of this Code regulating the
3 proceedings before, during, or after trial of an accused;
4 shall be punished as a court-martial may direct.

5 (20 ILCS 1807/131g new)

6 Sec. 131g. Article 131g. Wrongful interference with
7 adverse administrative proceeding. Any person subject to this
8 Code who, having reason to believe that an adverse
9 administrative proceeding is pending against any person
10 subject to this Code, wrongfully acts with the intent:

11 (1) to influence, impede, or obstruct the conduct of
12 the proceeding; or

13 (2) otherwise to obstruct the due administration of
14 justice;

15 shall be punished as a court-martial may direct.

16 (20 ILCS 1807/132)

17 Sec. 132. Article 132. ~~Retaliation~~ ~~Frauds against the~~
18 government.

19 (a) Any person subject to this Code who, with the intent to
20 retaliate against any person for reporting or planning to
21 report a criminal offense, or making or planning to make a
22 protected communication, or with the intent to discourage any
23 person from reporting a criminal offense or making or planning
24 to make a protected communication:

1 (1) wrongfully takes or threatens to take an adverse
2 personnel action against any person; or

3 (2) wrongfully withholds or threatens to withhold a
4 favorable personnel action with respect to any person;
5 shall be punished as a court-martial may direct.

6 (b) In this Article:

7 (1) "Protected communication" means the following:

8 (A) A lawful communication to a Member of Congress
9 or an Inspector General.

10 (B) A communication to a covered individual or
11 organization in which a member of the State military
12 forces complains of, or discloses information that the
13 member reasonably believes constitutes evidence of,
14 any of the following:

15 (i) A violation of law or regulation,
16 including a law or regulation prohibiting sexual
17 harassment or unlawful discrimination.

18 (ii) Gross mismanagement, a gross waste of
19 funds, an abuse of authority, or a substantial and
20 specific danger to public health or safety.

21 (2) "Inspector General" has the meaning given that term
22 in Section 1034(j) of Title 10 of the United States Code.

23 (3) "Covered individual or organization" means any
24 recipient of a communication specified in clauses (i)
25 through (v) of Section 1034(b)(1)(B) of Title 10 of this
26 Code.

1 (4) "Unlawful discrimination" means discrimination on
2 the basis of race, color, religion, sex, or national
3 origin.

4 ~~Any person subject to this Code:~~

5 ~~(1) who, knowing it to be false or fraudulent:~~

6 ~~(A) makes any claim against the United States, this~~
7 ~~State, or any officer thereof; or~~

8 ~~(B) presents to any person in the civil or military~~
9 ~~service thereof, for approval or payment, any claim~~
10 ~~against the United States, this State, or any officer~~
11 ~~thereof;~~

12 ~~(2) who, for the purpose of obtaining the approval,~~
13 ~~allowance, or payment of any claim against the United~~
14 ~~States, this State, or any officer thereof:~~

15 ~~(A) makes or uses any writing or other paper~~
16 ~~knowing it to contain any false or fraudulent~~
17 ~~statements;~~

18 ~~(B) makes any oath, affirmation, or certification~~
19 ~~to any fact or to any writing or other paper knowing~~
20 ~~the oath, affirmation, or certification to be false; or~~

21 ~~(C) forges or counterfeits any signature upon any~~
22 ~~writing or other paper, or uses any such signature~~
23 ~~knowing it to be forged or counterfeited;~~

24 ~~(3) who, having charge, possession, custody, or~~
25 ~~control of any money, or other property of the United~~
26 ~~States or this State, furnished or intended for the armed~~

1 ~~forces of the United States or the State military forces,~~
2 ~~knowingly delivers to any person having authority to~~
3 ~~receive it, any amount thereof less than that for which he~~
4 ~~receives a certificate or receipt; or~~

5 ~~(4) who, being authorized to make or deliver any paper~~
6 ~~certifying the receipt of any property of the United States~~
7 ~~or this State, furnished or intended for the armed forces~~
8 ~~of the United States or the State military forces, makes or~~
9 ~~delivers to any person such writing without having full~~
10 ~~knowledge of the truth of the statements therein contained~~
11 ~~and with intent to defraud the United States or this State,~~
12 ~~shall, upon conviction, be punished as a court-martial may~~
13 ~~direct.~~

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

15 (20 ILCS 1807/133)

16 Sec. 133. Article 133. Conduct unbecoming an officer and a
17 gentleman. Any commissioned officer, cadet, ~~candidate,~~ or
18 midshipman who is convicted of conduct unbecoming an officer
19 and a gentleman shall be punished as a court-martial may
20 direct.

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

22 (20 ILCS 1807/134)

23 Sec. 134. Article 134. General Article. Though not
24 specifically mentioned in this Code, all disorders and neglects

1 to the prejudice of good order and discipline in the armed
2 forces, all conduct of a nature to bring discredit upon the
3 State military forces, and crimes and offenses not capital, of
4 which persons subject to this Code may be guilty, shall be
5 taken cognizance of by a general, special, or summary
6 court-martial, according to the nature and degree of the
7 offense, and shall be punished at the discretion of that court.
8 As used in this Article, the term "crimes and offenses not
9 capital" includes any conduct engaged in outside the United
10 States, as defined in Section 5 of Title 18 of the United
11 States Code, that would constitute a crime or offense not
12 capital if the conduct had been engaged in within the special
13 maritime and territorial jurisdiction of the United States, as
14 defined in Section 7 of Title 18 of the United States Code.
15 ~~State military forces and all conduct of a nature to bring~~
16 ~~discredit upon the State military forces shall be taken~~
17 ~~cognizance of by a court martial and punished at the discretion~~
18 ~~of a military court. However, where a crime constitutes an~~
19 ~~offense that violates both this Code and the criminal laws of~~
20 ~~the state where the offense occurs or criminal laws of the~~
21 ~~United States, jurisdiction of the military court must be~~
22 ~~determined in accordance with subsection (b) of Article 2 of~~
23 ~~this Code.~~

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 20 ILCS 1807/79
- 4 20 ILCS 1807/81
- 5 20 ILCS 1807/82
- 6 20 ILCS 1807/83
- 7 20 ILCS 1807/84
- 8 20 ILCS 1807/85
- 9 20 ILCS 1807/87
- 10 20 ILCS 1807/87a new
- 11 20 ILCS 1807/87b new
- 12 20 ILCS 1807/89
- 13 20 ILCS 1807/90
- 14 20 ILCS 1807/93a new
- 15 20 ILCS 1807/94
- 16 20 ILCS 1807/95
- 17 20 ILCS 1807/95a new
- 18 20 ILCS 1807/96
- 19 20 ILCS 1807/98
- 20 20 ILCS 1807/99
- 21 20 ILCS 1807/100
- 22 20 ILCS 1807/101
- 23 20 ILCS 1807/102
- 24 20 ILCS 1807/103
- 25 20 ILCS 1807/103a new

1 20 ILCS 1807/103b new
2 20 ILCS 1807/104
3 20 ILCS 1807/104a new
4 20 ILCS 1807/104b new
5 20 ILCS 1807/105
6 20 ILCS 1807/105a new
7 20 ILCS 1807/106
8 20 ILCS 1807/106a
9 20 ILCS 1807/107
10 20 ILCS 1807/107a new
11 20 ILCS 1807/108a new
12 20 ILCS 1807/109a new
13 20 ILCS 1807/110
14 20 ILCS 1807/111
15 20 ILCS 1807/112
16 20 ILCS 1807/113
17 20 ILCS 1807/114
18 20 ILCS 1807/115
19 20 ILCS 1807/118
20 20 ILCS 1807/119
21 20 ILCS 1807/119a new
22 20 ILCS 1807/119b new
23 20 ILCS 1807/120
24 20 ILCS 1807/120a new
25 20 ILCS 1807/120b new
26 20 ILCS 1807/120c new

1 20 ILCS 1807/121
2 20 ILCS 1807/121a new
3 20 ILCS 1807/122
4 20 ILCS 1807/122a new
5 20 ILCS 1807/123
6 20 ILCS 1807/123a
7 20 ILCS 1807/124
8 20 ILCS 1807/124a new
9 20 ILCS 1807/124b new
10 20 ILCS 1807/125
11 20 ILCS 1807/126
12 20 ILCS 1807/127
13 20 ILCS 1807/128
14 20 ILCS 1807/128a new
15 20 ILCS 1807/129
16 20 ILCS 1807/130
17 20 ILCS 1807/131
18 20 ILCS 1807/131a new
19 20 ILCS 1807/131b new
20 20 ILCS 1807/131c new
21 20 ILCS 1807/131d new
22 20 ILCS 1807/131e new
23 20 ILCS 1807/131f new
24 20 ILCS 1807/131g new
25 20 ILCS 1807/132
26 20 ILCS 1807/133

SB2076

- 76 -

LRB101 09477 CPF 54575 b

1 20 ILCS 1807/134