

AN ACT concerning State government.

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

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

(20 ILCS 1807/1)

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

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

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

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

(3) "Classified information" means:

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

disclosure for reasons of national or state security,
and

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

(4) "Code" means this Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 1807/133)

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

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

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