An Act

ENROLLED HOUSE
BILL NO. 1556

By: Jordan of the House

and

Ivester, Allen, Barrington, Bass and Shortey of the Senate

An Act relating to military law; amending Sections 6, 118, 123, 132 and 133, Chapter 86, O.S.L. 2007 (44 O.S. Supp. 2010, Sections 3205, 3361, 3366, 3375 and 3376), which relate to the Uniform State Code of Military Justice; specifying applicability of code provisions; establishing elements of destruction of public record offense; providing for punishment; establishing elements of reckless endangerment offense and punishment; providing for punishment of adultery offense; establishing elements of certain counterfeiting offense and punishment; amending Section 1, Chapter 303, O.S.L. 2003, as amended by Section 2, Chapter 359, O.S.L. 2010 and Section 2, Chapter 303, O.S.L. 2003 (74 O.S. Supp. 2010, Sections 5401 and 5402), which relate to the Oklahoma Strategic Military Planning Commission; modifying membership of the Oklahoma Strategic Military Planning Commission; modifying purpose of the Commission; and providing an effective date.

SUBJECT: Military law

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 6, Chapter 86, O.S.L. 2007 (44 O.S. Supp. 2010, Section 3205), is amended to read as follows:

Section 3205. A. ~~This code~~ The Uniform State Code of Military Justice has applicability at all times and in all places, provided that the person subject to the code is in a duty status. ~~However, this grant~~ For those offenses set forth in Section 3368 of this title, the Uniform State Code of Military Justice has applicability at all times and in all places regardless of duty status. Provided, however, these grants of military jurisdiction shall neither preclude nor limit civilian jurisdiction over an offense, which is limited only by the prohibition of double jeopardy.

B. Courts-martial and courts of inquiry may be convened and held in units of the state military forces while those units are serving outside the state with the same jurisdiction and powers as to persons subject to ~~this code~~ the Uniform State Code of Military Justice as if the proceedings were held inside the state, and offenses committed outside the state may be tried and punished either inside or outside the state.

SECTION 2. AMENDATORY Section 118, Chapter 86, O.S.L. 2007 (44 O.S. Supp. 2010, Section 3361), is amended to read as follows:

Section 3361. ~~RESERVED~~ Any person subject to the Uniform State Code of Military Justice who willfully and unlawfully alters, conceals, removes, mutilates, obliterates, destroys, or takes with the intent to alter, conceal, remove, mutilate, obliterate, or destroy, a certain public record, and whose conduct, under the circumstances, was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces, shall be punished as a court-martial may direct.

SECTION 3. AMENDATORY Section 123, Chapter 86, O.S.L. 2007 (44 O.S. Supp. 2010, Section 3366), is amended to read as follows:

Section 3366. ~~RESERVED~~ Any person subject to the Uniform State Code of Military Justice who engages in wrongful and reckless or wanton conduct likely to produce death or grievous bodily harm, and whose conduct, under the circumstances, was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces, shall be punished as a court-martial may direct.

SECTION 4. AMENDATORY Section 132, Chapter 86, O.S.L. 2007 (44 O.S. Supp. 2010, Section 3375), is amended to read as follows:

Section 3375. Any person subject to ~~this code~~ the Uniform State Code of Military Justice who:

1. Commits an act of sexual intercourse with another person; and

2. At the time of intercourse the person subject to ~~this code~~ the Uniform State Code of Military Justice was married to someone else; and

3. Under the circumstances, the conduct of the person subject to this code was to the prejudice of good order and discipline in the state militia or was of a nature to bring discredit upon the state militia,

shall be punished as a court-martial may direct.

SECTION 5. AMENDATORY Section 133, Chapter 86, O.S.L. 2007 (44 O.S. Supp. 2010, Section 3376), is amended to read as follows:

Section 3376. ~~RESERVED~~ Any person subject to the Uniform State Code of Military Justice who:

1. Wrongfully makes, alters, counterfeits, or tampers with a military or official pass, permit, discharge certificate, or identification;

2. Wrongfully sells, gifts, lends or disposes of a military or official pass, permit, discharge certificate, or identification card; or

3. Wrongfully uses or possesses a false or unauthorized military or official pass, permit, discharge certificate, or identification card,

shall be punished as a court-martial may direct.

SECTION 6. AMENDATORY Section 1, Chapter 303, O.S.L. 2003, as amended by Section 2, Chapter 359, O.S.L. 2010 (74 O.S. Supp. 2010, Section 5401), is amended to read as follows:

Section 5401. A. There is hereby created the Oklahoma Strategic Military Planning Commission.

B. The Oklahoma Strategic Military Planning Commission shall consist of ~~seven (7)~~ nine (9) members as follows:

1. Five persons to be appointed by the Governor, each of whom shall represent, respectively, the interests of communities that would be affected by realignment or closure of the following military installations:

a. Altus Air Force Base,

b. Vance Air Force Base,

c. Fort Sill,

d. the Army Ammunition Plant located near McAlester, and

e. Tinker Air Force Base; ~~and~~

2. One person to be appointed by the Speaker of the House of Representatives from the membership of the House and one person to be appointed by the President Pro Tempore of the Senate from the membership of the Senate. The members appointed pursuant to this paragraph shall be ex officio and nonvoting members of the Commission; and

3. The Secretary of Veterans Affairs, or successor member of the Governor's Executive Cabinet who has responsibility for Veterans Affairs, and the Adjutant General of the Oklahoma Army and Air National Guard. The members appointed pursuant to this paragraph shall be ex officio and nonvoting members of the Commission.

C. The members of the Commission shall serve at the pleasure of the appointing authority. The members of the Commission shall select from among their membership a chair and vice-chair. The chair and vice-chair shall serve for a period of one (1) year and may succeed themselves in office.

D. The Commission shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

E. The Commission shall be authorized to meet at such times as may be required in order to fulfill the duties and responsibilities imposed upon it by law.

F. The provisions of this section shall cease to have the force and effect of law and the Commission shall be dissolved by operation of law on December 31, 2014.

G. The members of the Commission shall not be deemed to be officers or to hold public office for purposes of Section 6 of Title 51 of the Oklahoma Statutes.

SECTION 7. AMENDATORY Section 2, Chapter 303, O.S.L. 2003 (74 O.S. Supp. 2010, Section 5402), is amended to read as follows:

Section 5402. A. The purpose of the Oklahoma Strategic Military Planning Commission shall be to analyze state policies affecting military facilities currently in use by the United States Department of Defense and the Oklahoma Army and Air National Guard located within the state ~~and by their related communities~~ and such infrastructure as may support or be affected by these Department of Defense or National Guard facilities or any activity therein. Provided further that the Commission may assist financially with projects designed to enhance the operation, security, or support of such facilities and associated activities, pursuant to the provisions of Section 5403 of this title. The Commission shall also examine methods for improving the ~~potential~~ private sector market value or potential for such military facilities.

B. The Commission shall advise and recommend to the Governor and to the Legislature, by reporting to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, state policies which would:

1. Prevent Oklahoma's military facilities from being targeted for closing or downsizing;

2. Maximize Oklahoma's input into the federal base closing and realignment process;

3. Protect, to the greatest extent possible, the interests of the communities and residents of areas located within and adjacent to such military facilities in connection with such process;

4. Mitigate the effect of a reduction in military personnel housed or assigned to such facilities, reduction in military activity associated with such facilities, or other changes in either civilian or military activity which have the potential to reduce employment, business activity, personal income or other economic growth in the affected areas; and

5. Encourage and facilitate the relocation of mission responsibilities and resources to Oklahoma military facilities from military bases located outside Oklahoma.

C. Responsibility for the administrative direction, coordination and support of the Commission shall be with the Office of the Governor.

D. The Commission shall submit an annual written report of its findings, conclusions and recommendations to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate not later than December 31.

E. The Oklahoma Department of Commerce, the Oklahoma Tax Commission, the Oklahoma Employment Security Commission and other agencies of state government shall provide such assistance to the Commission as the Commission may require in order to perform the duties imposed upon it.

F. Members of the Commission shall be reimbursed by their appointing authority, except that members appointed from the municipalities shall be reimbursed by the Oklahoma Department of Commerce, for travel to meetings of the Commission pursuant to the State Travel Reimbursement Act.

Legislators who serve as members of the Commission shall be reimbursed for travel to meetings pursuant to Section 456 of Title 74 of the Oklahoma Statutes.

SECTION 8. This act shall become effective November 1, 2011.

Passed the House of Representatives the 4th day of May, 2011.

Presiding Officer of the House of Representatives

Passed the Senate the 20th day of April, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 5th

day of May, **20** 11,

at 12:08 **o'clock** PM.

By: Jessica R Rogers

Approved by the Governor of the State of Oklahoma the 11th **day of** May, **20** 11, **at** 2:46 **o'clock** PM.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

11th **day of** May, **20** 11,

at 4:50 **o'clock** P **M.**

By: Michelle R Day