

1 ENGROSSED HOUSE
2 BILL NO. 2769

By: Caldwell (Trey) and Kane of
the House

3 and

4 Hall and Haste of the
5 Senate

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7
8 An Act relating to militia; amending 44 O.S. 2021,
9 Section 21, which relates to the establishment of the
10 Oklahoma Military Department; modifying Adjutant
11 General's duties; amending 44 O.S. 2021, Section 24;
12 which relates to the appointment and eligibility of
13 the Adjutant General; modifying eligibility
14 requirements; amending 44 O.S. 2021, Section 25,
15 which relates to the rank of the Adjutant General;
16 adding a compensation guideline; amending 44 O.S.
17 2021, Section 26, which relates to authority and
18 duties of the Adjutant General; adding authority to
19 arm members; adding ability to accept donations for
20 Oklahoma National Guard programs; adding authority as
21 chief over the fire protection and police units under
22 the Oklahoma Military Department; amending Section 1,
23 Chapter 74, O.S.L. 2022 (44 O.S. Supp. 2024, Section
24 233.10a), which relates to the Oklahoma Military
Department technology hardware or software; exempting
federal programs from Information Services Division
requirements; amending 44 O.S. 2021, Section 243,
which relates to the rules and regulations over the
Oklahoma Military Department; modifying a
compensation regulation; amending 44 O.S. 2021,
Section 815, which relates to the exercise of
nonjudicial punishment; modifying certain titles;
amending 44 O.S. 2021, Section 821, which relates to
convening of court-martial; establishing guidelines
for convening of court-martial by federal officials;
amending 44 O.S. 2021, Section 875, which relates to
restoration under a court-martial sentence; modifying
Governor's authority to reappoint a dismissed officer
or member; establishing procedure for pay eligibility
during court-martial sentence; amending 44 O.S. 2021,

1 Section 905, which relates to forgery; establishing
2 definition and penalty for forgery; amending 44 O.S.
3 2021, Section 912, which relates to drunkenness and
4 other incapacitation offenses; modifying references;
5 amending 44 O.S. 2021, Section 912A, which relates to
6 wrongful use and possession of a controlled
7 substance; prohibiting the use of marijuana by
8 Oklahoma military forces; amending 44 O.S. 2021,
9 Section 928B, which relates to domestic violence;
10 establishing penalties for spousal abuse and intimate
11 partner violence by members of the Oklahoma Militia;
12 amending 44 O.S. 2021, Section 934, which relates to
13 general offenses; encompassing all specifically
14 enumerated offenses in Section 934 of Title 10 of the
15 United States Code; amending 44 O.S. 2021, Section
16 937, which relates to the explanation of articles;
17 modifying timeframe to explain articles; adopting the
18 Manual for Courts-Martial, United States, as the
19 Oklahoma State Manual for Courts-Martial;
20 establishing the "Benajmin T. Walkingstick National
21 Guard Complex" building; establishing guidelines for
22 convening of court-martial by federal officials;
23 providing for supplemental retirement payment;
24 providing for funding applicability and eligibility
 requirements; determining qualifying payment amounts;
 creating the Oklahoma National Guard Supplemental
 Retirement Pay Revolving Fund; establishing revolving
 fund characteristics; declaring funds appropriated;
 creating the Oklahoma National Guard CareerTech
 Assistance Act; providing short title; defining
 terms; creating the Oklahoma National Guard
 CareerTech Assistance Program to provide tuition
 assistance to certain eligible members; providing for
 amount of assistance subject to availability of
 funding; limiting assistance to certain number of
 years; allowing establishment of certain cap;
 prohibiting assistance for courses taken in excess of
 certain requirements; providing for eligibility;
 providing eligibility retention requirements;
 providing application process; allowing denial of
 continued assistance for failure to meet certain
 requirements; requiring repayment of assistance for
 failure to meet certain requirement; providing for
 calculation of repayment amount; allowing for
 application of hardship waiver; directing certain
 notification on available funding; providing for
 promulgation of rules and regulations; directing

1 coordination of rules and regulations; creating the
2 Oklahoma National Guard CareerTech Assistance
3 Revolving Fund; specifying source of fund; providing
4 for expenditures; providing purpose of fund;
providing for transfer of benefits for dependents;
repealing 44 O.S. 2021, Section 940B, which relates
to military publications; providing for codification;
and providing an effective date.

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

9 SECTION 1. AMENDATORY 44 O.S. 2021, Section 21, is

10 amended to read as follows:

11 Section 21 The Military Department of the State of Oklahoma is
12 hereby established and shall be under the command and control of the
13 Governor as Commander in Chief, with the Adjutant General as the
14 executive and administrative head thereof. The Military Department
15 shall be constituted of the state military forces, as defined by
16 Section 801 of this title, and is hereby organized into a joint
17 headquarters which shall be identified as the joint forces
18 headquarters. The joint forces headquarters shall be jointly
19 staffed by Army National Guard and Air National Guard personnel who,
20 under the authority and direction of the Adjutant General, shall
21 support and assist the Adjutant General in the exercise of command
22 and control over state military forces when not activated for
23 federal duty under Title 10 of the United States Code. There shall
24 be assigned to the joint ~~force~~ forces headquarters, officers,

1 enlisted personnel, and civilian employees as may be considered
2 necessary by the Governor as Commander in Chief and ~~as may be~~
3 ~~authorized by law and Army National Guard regulations and Air~~
4 ~~National Guard regulations the Adjutant General.~~

5 SECTION 2. AMENDATORY 44 O.S. 2021, Section 24, is
6 amended to read as follows:

7 Section 24. A. The Adjutant General shall be appointed by the
8 Governor, by and with the advice and consent of the Oklahoma State
9 Senate, and shall serve at the pleasure of the Governor.

10 B. To be eligible to hold the office of Adjutant General of
11 this state, at the time of appointment, the appointee:

12 1. Shall be a federally recognized and currently serving as a
13 colonel or higher ranking officer of the Oklahoma National Guard and
14 ~~of the National Guard of the United States for~~ no less than ~~three~~
15 ~~(3)~~ eight (8) years of service in the Oklahoma National Guard;

16 2. Shall possess at least the rank of Colonel; and

17 3. If not already a general officer, shall be eligible for a
18 Certificate of Eligibility pursuant to federal law and applicable
19 regulations issued by the Chief of the National Guard Bureau.

20 C. ~~If the Oklahoma National Guard is in active federal service~~
21 ~~and no persons having the qualifications required in subsection B of~~
22 ~~this section are available within the state, then the Governor may~~
23 ~~appoint, subject to the advice and consent of the Senate, any~~
24 ~~suitably qualified person who at any time in the preceding ten (10)~~

1 ~~years would have been qualified, as above, and who has served at~~
2 ~~least two (2) years in active federal service in the grade of~~
3 ~~Colonel or higher.~~

4 SECTION 3. AMENDATORY 44 O.S. 2021, Section 25, is
5 amended to read as follows:

6 Section 25. A. The Adjutant General shall have the rank of
7 Major General and devote full time to the duties of the office.
8 Regardless of whether or not the Adjutant General has been
9 recognized federally at the rank of Major General at the time of
10 appointment by the Governor, the Adjutant General shall be
11 compensated at the same rate of pay afforded to a Major General
12 serving on federal Title 10 active duty with the same time in
13 service.

14 B. The Governor may appoint Assistant Adjutants General for
15 Army and Assistant Adjutants General for Air to assist the Adjutant
16 General in the discharge and performance of his or her duties. When
17 appointing Assistant Adjutants General, the Governor shall take into
18 consideration the number of such positions contemplated or
19 recommended by the National Guard Bureau for manning the joint
20 forces headquarters of a state. Such Assistant Adjutants General
21 shall have the qualifications prescribed by law for the Adjutant
22 General and shall have the rank of Brigadier General. The Assistant
23 Adjutants General appointed by the Governor shall be considered
24 staff officers and not commanders except that, in the discretion of

1 the Adjutant General, specific command or supervisory authority may
2 be delegated by the Adjutant General to an Assistant Adjutant
3 General but such delegation shall be accomplished in writing and
4 shall be considered a military publication, as defined in Section
5 801 of this title (Article 1).

6 C. Other general officers assigned to billets within the state
7 military forces, including certain billets within the joint forces
8 headquarters, shall be considered staff officers and not commanders
9 except that, in the discretion of the Adjutant General, specific
10 command or supervisory authority may be delegated by the Adjutant
11 General to such general officers, but such delegation shall be
12 accomplished in writing and shall be considered a military
13 publication, as defined in Section 801 of this title (Article 1).

14 D. The Adjutant General may employ a state employee in the
15 position of Executive Assistant and Programs Manager for the
16 Military Department of the state. Said position shall be
17 unclassified and exempt from the Oklahoma Personnel Act and the
18 Merit Rules for Employment, except leave regulations.

19 SECTION 4. AMENDATORY 44 O.S. 2021, Section 26, is
20 amended to read as follows:

21 Section 26. A. The Adjutant General shall be in control of the
22 Military Department of the State of Oklahoma, subordinate only to
23 the Governor. Within the limitations and under the provisions of
24 law, he or she shall supervise and direct the Oklahoma National

1 Guard within the service of the state and when under state control
2 in all of its organization, training and other activities; shall
3 receive and give effect to the orders of the Governor; and shall
4 perform such other military and defense duties, not otherwise
5 assigned by law, as the Governor may prescribe. The Adjutant
6 General shall have the authority to arm members of the state
7 military forces on military installations and other places under the
8 control of the Military Department with weaponry as the Adjutant
9 General deems necessary to adequately provide for the security of
10 the facilities and their occupants.

11 B. The Adjutant General, when absent from the state, may
12 temporarily delegate any authority vested under this title and any
13 such duties as an agency appointing authority to an Assistant
14 Adjutant General, other state officer or employee within the
15 Military Department of the State of Oklahoma. Such temporary
16 delegations of authority pursuant to this subsection shall be
17 accomplished in writing. The Adjutant General may also promulgate
18 regulations providing for the delegation of any such authority.

19 C. The Adjutant General shall develop, publish and maintain an
20 organizational chart depicting the chain of command between the
21 Adjutant General and the major commands of the Oklahoma National
22 Guard. Besides the major commands defined in Section 801 of this
23 title (Article 1), the Adjutant General, in his or her discretion,

1 may designate other military units within the Oklahoma National
2 Guard as major commands.

3 D. The organizational chart required in subsection C of this
4 section shall be updated no less than annually and shall include all
5 enlisted and officer billets assigned to joint forces headquarters
6 and shall depict all existing command relationships established by
7 the Adjutant General within joint forces headquarters. The
8 organizational chart required herein shall not be considered a
9 military publication within the meaning of Section 801 of this title
10 (Article 1).

11 E. In accordance with all relevant requirements of the United
12 States Army, the United States Air Force or the National Guard
13 Bureau, the Adjutant General shall develop, publish and maintain an
14 enlisted and officer rating scheme for all enlisted and officer
15 billets assigned to joint forces headquarters. The rating scheme
16 required herein shall not be considered a military publication
17 within the meaning of Section 801 of this title (Article 1).

18 F. Pursuant to the rules established by the Adjutant General,
19 the Military Department of the State of Oklahoma is authorized to
20 expend appropriated and nonappropriated funds to enhance recruiting
21 and retention efforts for the Oklahoma National Guard.

22 G. The Adjutant General may establish rules allowing the
23 Military Department of the State of Oklahoma to accept donations and
24

1 bequests to create a program for the benefit of members of the
2 Oklahoma National Guard.

3 H. The Adjutant General shall serve as the chief of all fire
4 protection units operating under the Oklahoma Military Department
5 and shall supervise and administer the fire protection units in
6 accordance with the rules and procedures prescribed by the Military
7 Department.

8 I. The Adjutant General shall serve as the chief of all police
9 units and officers appointed under the Oklahoma Military Department.
10 The Adjutant General may appoint police officers in accordance with
11 Section 230 of this title.

12 SECTION 5. AMENDATORY Section 1, Chapter 74, O.S.L. 2022
13 (44 O.S. Supp. 2024, Section 233.10a), is amended to read as
14 follows:

15 Section 233.10a. The Military Department of the State of
16 Oklahoma may purchase information technology including, but not
17 limited to, computer hardware or software, or any services related
18 to software development, software modifications, or any other
19 services related to the operation and maintenance of computer
20 hardware or software or both, independently and without prior
21 approval from the Office of Management and Enterprise Services
22 Information Services Division. All federal programs managed by the
23 Military Department of the State of Oklahoma shall be exempt from
24 any and all Information Services Division requirements.

1 SECTION 6. AMENDATORY 44 O.S. 2021, Section 243, is
2 amended to read as follows:

3 Section 243. A. The Governor is hereby authorized to prescribe
4 rules and regulations governing the enlistment, organization,
5 administration, equipment, discipline and discharge of the personnel
6 of such military forces; to requisition from the Secretary of
7 Defense such arms and equipment as may be in the possession of and
8 can be spared by the Department of Defense and to extend thereto the
9 facilities of state armories, Armed Forces Reserve Centers,
10 readiness centers, logistics, aviation, and training facilities,
11 warehouses and their equipment and such other state premises and
12 property as may be available for the purpose of drill and
13 instruction. ~~Insofar as applicable the procedure for the~~
14 ~~enlistment, organization, pay, maintenance, equipment and~~
15 ~~disciplining of such forces shall be in conformity with the law and~~
16 ~~the rules and regulations governing and pertaining to the National~~
17 ~~Guard; provided, that the officers and enlisted personnel in the~~
18 ~~Oklahoma State Guard shall not receive any compensation or monetary~~
19 ~~allowances from the state except when activated for state active~~
20 ~~duty, as defined in Section 801 of this title, by order of the~~
21 ~~Governor.~~

22 B. Members of the Oklahoma State National Guard shall be
23 considered part of state military forces as defined in Section 801
24

1 of this title and shall be subject to the Oklahoma Uniform Code of
2 Military Justice.

3 C. Any full-time state employee that serves in a military
4 capacity shall receive compensation equaling the compensation,
5 benefits, entitlements, or other compensation received by a full-
6 time active-duty service member at the same rank and time in grade.

7 D. When prescribing the rules and regulations governing
8 enlistment, organization, administration, equipment, discipline and
9 discharge of the personnel of the Oklahoma ~~State~~ National Guard, the
10 Governor shall issue such rules and regulations in the form of an
11 executive order or in a series of such orders. An executive order
12 or a series of such orders prescribing the rules and regulations
13 governing enlistment, organization, administration, equipment,
14 discipline and discharge of the personnel of the Oklahoma ~~State~~
15 National Guard shall also be published by the Adjutant General as a
16 military publication.

17 SECTION 7. AMENDATORY 44 O.S. 2021, Section 815, is
18 amended to read as follows:

19 Section 815. ARTICLE 15. Commanding officer's nonjudicial
20 punishment.

21 A. Except as provided in subsection B of this section, any
22 commanding officer ~~and, for purposes of this section, any officer in~~
23 ~~charge,~~ may impose disciplinary punishments for minor offenses
24

1 | arising under the punitive articles of the Oklahoma Uniform Code of
2 | Military Justice without the intervention of a court-martial.

3 | B. Any ~~superior commander~~ commanding officer may limit or
4 | withhold the exercise of nonjudicial punishment authority by
5 | subordinate commanders, including limiting authority over certain
6 | categories of military personnel or offenses. Likewise, individual
7 | cases may be reserved by a superior commander. A superior authority
8 | may limit or withhold any power that a subordinate might otherwise
9 | exercise under this section.

10 | C. Except as provided in subsection L of this section, the
11 | Governor or Adjutant General may delegate the powers established
12 | under this section to a ~~senior~~ commanding officer who is a member of
13 | the state military forces and is also a member of the same force
14 | component as the accused.

15 | D. Any Except as provided in subsection S of this section, any
16 | commanding officer may impose upon enlisted members of the officer's
17 | command:

18 | 1. An admonition;

19 | 2. A reprimand;

20 | 3. The withholding of privileges for not more than six (6)
21 | months which need not be consecutive;

22 | 4. The forfeiture of pay of not more than seven (7) days' pay;

23 | 5. A fine of not more than seven (7) days' pay;

1 6. A reduction to the next inferior pay grade, if the grade
2 from which demoted is within the promotion authority of the officer
3 imposing the reduction or any officer subordinate to the one who
4 imposes the reduction;

5 7. Extra duties, including fatigue or other duties, for not
6 more than fourteen (14) days, which need not be consecutive; and

7 8. Restriction to certain specified limits, with or without
8 suspension from duty, for not more than fourteen (14) days, which
9 need not be consecutive.

10 E. Any Except as provided in subsection S of this section, any
11 commanding officer of the grade of major or above may impose upon
12 enlisted members of the officer's command:

13 1. An admonition;

14 2. A reprimand;

15 3. The withholding of privileges for not more than six (6)
16 months which need not be consecutive;

17 4. The forfeiture of not more than one-half (1/2) of one (1)
18 month's pay per month for two (2) months;

19 5. A fine of not more than one (1) month's pay;

20 6. A reduction to the lowest or any intermediate pay grade, if
21 the grade from which demoted is within the promotion authority of
22 the commanding officer imposing the reduction or any officer
23 subordinate to the one who imposes the reduction, but an enlisted

1 member in a pay grade above E-4 shall not be reduced more than two
2 pay grades;

3 7. Extra duties, including fatigue or other duties, for not
4 more than forty-five (45) days which need not be consecutive; and

5 8. Restriction to certain specified limits, with or without
6 suspension from duty, for not more than sixty (60) days which need
7 not be consecutive.

8 F. The Governor, the Adjutant General, or an officer exercising
9 general or special court-martial convening authority may impose:

10 1. Upon officers of the officer's command:

11 a. any punishment authorized in subsection E of this
12 section, except for the punishments provided in
13 paragraphs 6 and 7 of subsection E of this section,
14 and

15 b. arrest in quarters for not more than thirty (30) days
16 which need not be consecutive; and

17 2. Upon enlisted members of the officer's command, any
18 punishment authorized in subsection E of this section.

19 Admonitions or reprimands given as nonjudicial punishment to
20 commissioned officers and warrant officers shall be administered in
21 writing. In all other cases, unless otherwise prescribed by
22 regulations promulgated by the Adjutant General, such punishments
23 may be administered either orally or in writing.

1 G. Whenever any punishments are combined to run consecutively,
2 the total length of the combined punishment shall not exceed the
3 authorized duration of the longest punishment included in the
4 combination, and there shall be an apportionment of punishments so
5 that no single punishment in the combination exceeds its authorized
6 length under this section.

7 H. Once the ~~commander~~ commanding officer has determined that
8 nonjudicial punishment is appropriate, the ~~commander~~ commanding
9 officer shall provide reasonable notice to the member of his or her
10 intent to impose nonjudicial punishment. At the time the ~~commander~~
11 commanding officer provides notification as required in this
12 subsection, the member shall be entitled to examine all statements
13 and other evidence that the commander has examined and intends to
14 rely upon as the basis for punishment. The member shall be provided
15 a copy of the documentary evidence unless it is privileged,
16 classified, or otherwise restricted by law, regulation, or
17 instruction. At the time the ~~commander~~ commanding officer provides
18 notification as required in this subsection, the ~~commander~~
19 commanding officer shall also inform the member as to the quantum of
20 punishment potentially to be imposed. While a member undergoing
21 nonjudicial punishment is not entitled to representation by a duly
22 appointed defense counsel, the member may seek legal advice from any
23 judge advocate available for this purpose. Upon notification by the
24 officer of his or her intent to impose judicial punishment, the

1 member shall provide a response within forty-five (45) calendar
2 days.

3 I. The right to demand trial by court-martial in lieu of
4 nonjudicial punishment shall arise only when arrest in quarters or
5 restriction will be considered as punishments. If the commanding
6 officer determines that arrest in quarters or restriction will be
7 considered as punishments, prior to the offer of nonjudicial
8 punishment the ~~accused~~ member shall be notified in writing of the
9 right to demand trial by court-martial. Should the commanding
10 officer determine that the punishment options will not include
11 arrest in quarters or restriction, the ~~accused~~ member shall be
12 notified that there is no right to trial by court-martial in lieu of
13 nonjudicial punishment. Upon notification by the ~~commander or~~
14 ~~officer in charge~~ commanding officer of his or her intent to impose
15 nonjudicial punishment that includes arrest in quarters or
16 restriction, the ~~accused~~ member shall be afforded a reasonable
17 amount of time to confer with legal counsel and to prepare a
18 response.

19 J. The commanding officer who imposes the punishment, or his or
20 her successor in command, may at any time suspend, set aside,
21 mitigate or remit any part or amount of the punishment and restore
22 all rights, privileges and property affected. The commanding
23 officer may also mitigate:

24 1. Reduction in grade to forfeiture of pay;

- 1 2. Arrest in quarters to restriction; or
2 3. Extra duties to restriction.

3 The mitigated punishment shall not be for a greater period than
4 the punishment mitigated. When mitigating reduction in grade to
5 forfeiture of pay, the amount of the forfeiture shall not be greater
6 than the amount that could have been imposed initially under this
7 article by the officer who imposed the punishment mitigated.

8 K. A person punished under this section who considers the
9 punishment unjust or disproportionate to the offense may, through
10 his or her chain of command, appeal to a senior officer designated
11 by the Adjutant General to adjudicate appeals arising from
12 nonjudicial punishment. A senior officer so designated by the
13 Adjutant General shall be a member of the same component of the
14 state military forces as the accused. An appeal made pursuant to
15 this subsection shall be lodged within fifteen (15) days after the
16 punishment is announced to the accused member. The commanding
17 officer exercising appellate authority may, at his or her
18 discretion, extend the deadline for an appeal. The appeal shall be
19 promptly forwarded and decided, and the member shall not be punished
20 until the appeal is decided. The senior officer designated by the
21 Adjutant General as exercising appellate authority may exercise the
22 same powers with respect to the punishment imposed as may be
23 exercised under subsection I of this section by the officer who
24 imposed the punishment. Before acting on an appeal from a

1 punishment, the senior officer exercising appellate authority shall
2 refer the case to a judge advocate for consideration and advice.
3 When a senior officer is designated by the Adjutant General to
4 adjudicate appeals arising from nonjudicial punishment, such
5 designation shall be accomplished in writing and shall be considered
6 a military publication, as defined in Section 801 of this title
7 (Article 1).

8 L. Except for nonjudicial punishment imposed by the Governor or
9 the Adjutant General, the final appellate authority for nonjudicial
10 punishment imposed within state military forces is the Adjutant
11 General. A person punished under this section whose appeal was
12 previously denied by a senior officer designated to adjudicate
13 appeals may, through his or her chain of command, lodge an
14 additional appeal with the Adjutant General within five (5) days
15 after the appeal is denied. In the event the officer imposing
16 nonjudicial punishment is a senior officer who is also designated to
17 adjudicate appeals arising from nonjudicial punishment, an appeal
18 thereof shall be addressed directly to the Adjutant General. In the
19 event the officer imposing nonjudicial punishment is the Adjutant
20 General, an appeal thereof shall be addressed directly to the
21 Governor. An appeal offered pursuant to this subsection shall be
22 made only in writing. Neither the Governor nor the Adjutant General
23 shall delegate his or her duties as an appellate authority under
24 this subsection.

1 M. Whenever nonjudicial punishment is imposed under this
2 section:

3 1. After adjudication and while the punishment is being carried
4 out or while the adjudged punishment is pending before the appellate
5 authority, the commander or officer in charge who imposed the
6 nonjudicial punishment, upon the request of the accused member, may:

- 7 a. excuse the accused member from attendance at scheduled
8 unit training assemblies, or
9 b. arrange for the accused member to drill on alternate
10 dates and in alternate locations; or

11 2. If necessary to maintain good order and discipline within
12 the unit, the ~~commander or officer in charge~~ commanding officer who
13 imposed the nonjudicial punishment may order the accused member to
14 drill on alternate dates and in alternate locations. The order
15 shall be reduced to writing and shall become part of the record of
16 nonjudicial punishment.

17 N. The imposition and enforcement of disciplinary punishment
18 under this section for any act or omission shall not be a bar to
19 trial by court-martial or a civilian court of competent jurisdiction
20 for a crime or offense arising out of the same act or omission; but
21 the fact that a disciplinary punishment has been enforced may be
22 demonstrated by the accused member upon trial and, when so
23 demonstrated, it shall be considered in determining the measure of
24 punishment to be adjudged in the event of a finding or verdict of

1 guilty. Nonjudicial punishment shall not be imposed for an offense
2 previously tried by a civilian court unless so authorized by
3 regulations promulgated by the Adjutant General.

4 O. When nonjudicial punishment has been imposed for an offense,
5 punishment shall not again be imposed for the same offense under
6 this section. Once nonjudicial punishment has been imposed, it may
7 not be increased, upon appeal or otherwise. When a ~~commander or~~
8 ~~officer in charge~~ commanding officer determines that nonjudicial
9 punishment is appropriate for a particular member, all known
10 offenses determined to be appropriate for disposition by nonjudicial
11 punishment and ready to be considered at that time, including all
12 offenses arising from a single incident or course of conduct, shall
13 be considered together and shall not be made the basis for multiple
14 punishments. This subsection shall in no way restrict the right of
15 a ~~commander~~ commanding officer to prefer court-martial charges for
16 an offense previously punished under the provisions of this section.

17 P. In accordance with subsection B of Section 843 of this title
18 (Article 43, subsection B), a person accused of an offense is not
19 liable to be punished under this section if the offense was
20 committed more than two (2) years before the imposition of
21 punishment. Periods in which the ~~accused~~ member is absent without
22 authority shall be excluded in computing the period of limitation
23 prescribed in this section.

1 Q. Whenever a punishment of forfeiture of pay is imposed under
2 this section, the forfeiture shall not apply to pay accruing before
3 the date that punishment is imposed, but only pay accruing on or
4 after the date that punishment is imposed.

5 R. The Adjutant General may promulgate regulations prescribing
6 the type and form of records to be kept of proceedings conducted
7 pursuant to this section. The Adjutant General may promulgate any
8 other regulations necessary to carry out the provisions of this
9 section.

10 S. For purposes of this section, no member of the Oklahoma
11 National Guard of the rank of E-8 or E-9 shall be reduced in rank
12 pursuant to this section except when the reduction results from
13 nonjudicial punishment imposed by an officer of the Oklahoma
14 National Guard of the rank of Brigadier General or by the Adjutant
15 General. When imposing nonjudicial punishment on enlisted persons
16 of the rank of E-7 or below, a commander or officer in charge who
17 possesses the rank of colonel may consider reduction in rank as a
18 possible punishment.

19 SECTION 8. AMENDATORY 44 O.S. 2021, Section 821, is
20 amended to read as follows:

21 Section 821. ~~RESERVED.~~ ARTICLE 21. Convening of court-martial
22 by federal officials.

23 In no case shall the President of the United States, the
24 Secretary of Defense, the secretary of a military department, a

1 military officer serving on active duty within the meaning of Title
2 10 of the United States Code, or any other federal official convene
3 a court-martial proceeding pursuant to the Oklahoma Military Code
4 unless prior consent has been granted by the Governor. Such
5 consent, if granted by the Governor, shall be accomplished in
6 writing and shall be published by the Governor.

7 SECTION 9. AMENDATORY 44 O.S. 2021, Section 875, is
8 amended to read as follows:

9 Section 875. ARTICLE 75. Restoration.

10 A. Under such regulations as the Adjutant General may
11 promulgate, all rights, privileges, and property affected by an
12 executed part of a court-martial sentence which has been set aside
13 or disapproved, except an executed dismissal or discharge, shall be
14 restored unless a new trial or rehearing is ordered and such
15 executed part is included in a sentence imposed upon the new trial
16 or rehearing.

17 B. If a previously executed sentence of dishonorable or bad-
18 conduct discharge is not imposed on a new trial, the Adjutant
19 General shall substitute therefor a form of discharge authorized for
20 administrative issuance unless the accused is to serve out the
21 remainder of his or her enlistment.

22 C. If a previously executed sentence of dismissal is not
23 imposed on a new trial, the Adjutant General shall substitute
24 therefor a form of discharge authorized for administrative issue,

1 and the commissioned officer dismissed by that sentence may be
2 reappointed pursuant to Sections 875 and 12203 of Title 10 of the
3 United States Code and any applicable regulations prescribed
4 thereunder by the President of the United States or the Secretary
5 concerned solely by the Governor to such commissioned grade and with
6 such rank as in the opinion of the Governor that former officer
7 would have attained had he or she not been dismissed. The
8 reappointment of such a former officer shall be without regard to
9 the existence of a vacancy and shall affect the promotion status of
10 other officers only insofar as the Governor may direct. All time
11 between the dismissal and the reappointment shall be considered as
12 actual service for all purposes, including the right to pay and
13 allowances.

14 D. The Governor or Adjutant General shall prescribe
15 regulations, with such limitations as the Governor or Adjutant
16 General considers appropriate, governing eligibility for pay and
17 allowances for the period after the date on which an executed part
18 of a court-martial sentence is set aside.

19 SECTION 10. AMENDATORY 44 O.S. 2021, Section 905, is
20 amended to read as follows:

21 Section 905. ~~RESERVED.~~ ARTICLE 105. Forgery.

22 Any person subject to the Oklahoma Uniform Code of Military
23 Justice who, with intent to defraud:

24

1 1. Falsely makes or alters any signature to, or any part of,
2 any writing which would, if genuine, apparently impose a legal
3 liability on another or change his or her legal right or liability
4 to his or her prejudice; or

5 2. Utters, offers, issues, or transfers such a writing, known
6 by him or her to be so made or altered,
7 is guilty of forgery and shall be punished as a court-martial may
8 direct.

9 SECTION 11. AMENDATORY 44 O.S. 2021, Section 912, is
10 amended to read as follows:

11 Section 912. ARTICLE 112. Drunkenness and other incapacitation
12 offenses.

13 A. Drunk on duty. Any person subject to the Oklahoma Uniform
14 Code of Military Justice, ~~other than a sentinel or lookout~~, who is
15 drunk on duty shall be punished as a court-martial may direct.

16 B. Incapacitation for duty from drunkenness or drug use. Any
17 person subject to the Code who, as a result of indulgence in any
18 alcoholic beverage or any drug, is incapacitated for the proper
19 performance of duty shall be punished as a court-martial may direct.

20 C. Drunk prisoner. Any person subject to the Code who is a
21 prisoner and, while in such status, is drunk shall be punished as a
22 court-martial may direct.

23 SECTION 12. AMENDATORY 44 O.S. 2021, Section 912A, is
24 amended to read as follows:

1 Section 912A. ARTICLE 112A. Wrongful use, possession, etc., of
2 controlled substances.

3 A. Any person subject to the Oklahoma Uniform Code of Military
4 Justice who wrongfully uses, possesses, manufactures, distributes,
5 imports into the customs territory of the United States, exports
6 from the United States, or introduces into an installation, vessel,
7 vehicle, or aircraft used by or under the control of the Armed
8 Forces of the United States or of the state military forces a
9 substance described in subsection B of this section shall be
10 punished as a court-martial may direct.

11 B. The substances referred to in subsection A of this section
12 are the following:

13 1. Opium, heroin, cocaine, amphetamine, lysergic acid
14 diethylamide, methamphetamine, phencyclidine, barbituric acid, and
15 marijuana and any compound or derivative of any such substance;

16 2. Any substance not specified in paragraph 1 of this
17 subsection that is listed on a schedule of controlled substances
18 prescribed by the President for the purposes of the Uniform Code of
19 Military Justice, Title 10 of the United States Code, Section 801,
20 et seq.; and

21 3. Any other substance not specified in paragraph 1 of this
22 subsection or contained on a list prescribed by the President under
23 paragraph 2 of this subsection that is listed in schedules I through
24

1 V of article 202 of the Controlled Substances Act, Title 21 of the
2 United States Code, Section 812.

3 C. It shall be unlawful for any member of the state military
4 forces to knowingly use or ingest marijuana or any substances or
5 products derived from marijuana including, but not limited to, hemp,
6 tetrahydrocannabinol, and cannabidiol.

7 SECTION 13. AMENDATORY 44 O.S. 2021, Section 928B, is
8 amended to read as follows:

9 Section 928B. ~~RESERVED.~~ Any person subject to the Oklahoma
10 Uniform Code of Military Justice who:

11 1. Commits a violent offense against a spouse, an intimate
12 partner, or an immediate family member of that person;
13 2. With intent to threaten or intimidate a spouse, an intimate
14 partner, or an immediate family member of that person, commits an
15 offense under this chapter against any person or property, including
16 an animal;

17 3. With intent to threaten or intimidate a spouse, an intimate
18 partner, or an immediate family member of that person, violates a
19 protection order;

20 4. With intent to commit a violent offense against a spouse, an
21 intimate partner, or an immediate family member of that person,
22 violates a protection order; or

23 5. Assaults a spouse, an intimate partner, or an immediate
24 family member of that person by strangling or suffocating,

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

2 SECTION 14. AMENDATORY 44 O.S. 2021, Section 934, is
3 amended to read as follows:

4 Section 934. ARTICLE 134. General article.

5 Though not specifically mentioned in the Oklahoma Uniform Code
6 of Military Justice, all disorders and neglects to the prejudice of
7 good order and discipline in the state military forces, all conduct
8 of a nature to bring discredit upon the state military forces, and
9 crimes and offenses not capital, of which persons subject to the
10 Code may be guilty, shall be taken cognizance of by a general,
11 special, or summary court-martial, according to the nature and
12 degree of the offense, and shall be punished at the discretion of
13 that court. However, where a crime constitutes an offense that
14 violates both the Code and the criminal laws of the State of
15 Oklahoma, jurisdiction over the offense shall be determined in
16 accordance with Section 802 of this title (Article 2). This section
17 shall encompass all specifically enumerated offenses included in
18 Section 934 of Title 10 of the United States Code, including all
19 amendments thereto adopted from time to time, except when such
20 provisions are contrary to or inconsistent with the United States
21 Code.

22 SECTION 15. AMENDATORY 44 O.S. 2021, Section 937, is
23 amended to read as follows:

24 Section 937. ARTICLE 137. Articles to be explained.

1 A. 1. The sections of the Oklahoma Uniform Code of Military
2 Justice specified in paragraph 3 of this subsection shall be
3 carefully explained, either orally or in writing, to each officer
4 and enlisted member at the time of, or within one hundred twenty
5 (120) days after, the officer's or enlisted member's initial
6 entrance into a duty status with the state military forces.

7 2. Such articles shall be explained again:

- 8 a. after the enlisted member has completed basic or
9 recruit training, and
- 10 b. ~~at the time when the enlisted member reenlists within~~
11 ninety (90) days of each re-enlistment.

12 3. This subsection applies with respect to Sections 802, 803,
13 807-815, 825, 827, 831, 837, 838, 855, 877-934, and 937-939 of this
14 title (Articles 2, 3, 7-15, 25, 27, 31, 37, 38, 55, 77-134, and 137-
15 139).

16 B. The text of the Code and of the regulations prescribed
17 pursuant to the Code shall be made available to an officer or
18 enlisted member of the state military forces, upon request, for the
19 officer's or enlisted member's personal examination. Electronic or
20 online availability of the Code and of the regulations prescribed
21 pursuant to the Code shall constitute availability for purposes of
22 personal examination by officers or enlisted members of the state
23 military forces.

1 SECTION 16. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 940C of Title 44, unless there
3 is created a duplication in numbering, reads as follows:

4 ARTICLE 140C. Manual for Courts-Martial.

5 The Manual for Courts-Martial, United States, including all
6 amendments thereto adopted from time to time, except when such rules
7 are contrary to or inconsistent with the Oklahoma Uniform Code of
8 Military Justice, shall be adopted as the Oklahoma State Manual for
9 Courts-Martial.

10 SECTION 17. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 239 of Title 44, unless there is
12 created a duplication in numbering, reads as follows:

13 The co-located readiness and joint operating center facilities
14 constructed by the Military Department or on behalf of the Military
15 Department shall be named the "Benjamin T. Walkingstick National
16 Guard Complex".

17 SECTION 18. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 271 of Title 44, unless there is
19 created a duplication in numbering, reads as follows:

20 A. The provisions of this section shall not be operative and no
21 payments shall be made from the Oklahoma National Guard Supplemental
22 Retirement Pay Revolving Fund created in Section 19 of this act
23 until November 1, 2027.

1 B. The provisions of this section shall only be applicable to a
2 member of the Oklahoma National Guard who has accrued enough service
3 credit prior to the effective date of this act in order to retire
4 from the system maintained by the Defense Finance and Accounting
5 Service, or its successor in interest, for the benefit of members of
6 state National Guards, but who has not attained the required age
7 prior to the effective date of this act in order to be paid the full
8 amount of such benefit. No member of the Oklahoma National Guard
9 shall be eligible to receive a payment pursuant to the provisions of
10 this section unless the member has completed twenty-five (25) years
11 of military service and retires as a member of the Oklahoma National
12 Guard.

13 C. The provisions of this section shall not be applicable to
14 any person who retires with an active duty military pension.

15 D. The amount of the payment shall be determined as follows:

16 1. Determine the amount of retirement the member would receive
17 if the member had reached the age to accrue federal retirement
18 benefits;

19 2. If the members of the active duty military retirement system
20 were eligible for a cost-of-living adjustment for the year for which
21 the computation of the payment amount authorized by this section is
22 to be made, the cost-of-living adjustment amount in an annualized
23 form shall be added to the result of the computation in paragraph 1
24 of this subsection each year; and

1 3. The resulting amount shall be paid to the Oklahoma National
2 Guard member in twelve equal monthly amounts with allowance as
3 required for rounding.

4 E. Any benefit payable to an eligible member of the Oklahoma
5 National Guard shall only be payable during the member's lifetime,
6 and no benefit authorized pursuant to the provisions of this section
7 shall be payable to a beneficiary other than amounts paid to a
8 member prior to the member's death which are payable to another
9 person pursuant to the provisions of a joint tenancy bank account
10 with a right of survivorship naming a person or persons as
11 beneficiary, a bank account with a transfer on death or payable on
12 death feature, an express trust, including, but not limited to, a
13 trust created by the payee member during his or her lifetime, a will
14 or the statute of intestate succession for distribution of the
15 assets of a person who does not otherwise provide for the
16 disposition of his or her assets after death.

17 F. The payment otherwise authorized pursuant to the provisions
18 of this act may only be made to a person who has become eligible to
19 receive retirement benefits from the retirement system under the
20 supervision of the Defense Finance and Accounting Service, or its
21 successor in interest, as of the date the first payment pursuant to
22 this act is authorized.

23 G. The payments authorized by this section shall be paid to the
24 eligible member until the member begins to receive federal

1 retirement benefits from the Defense Finance and Accounting Service,
2 or its successor in interest, but shall not be paid for any period
3 of time after such time period.

4 H. In the event the funds required for full payment to all
5 eligible members pursuant to the provisions of this section are not
6 sufficient, the payments to the eligible members shall be prorated
7 by dividing the total number of eligible members by the total amount
8 of available funds. The resulting quotient shall be multiplied by
9 the payment amount otherwise due to the eligible member and the
10 result of that computation shall be the reduced dollar amount paid
11 to each member for the applicable period. For any period of time
12 during which payments are prorated pursuant to this subsection, the
13 next increment of available funds shall be used to make payments to
14 the eligible members whose payment amounts were prorated to
15 compensate for the reduction made in the prior payment period.

16 SECTION 19. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 272 of Title 44, unless there is
18 created a duplication in numbering, reads as follows:

19 There is hereby created in the State Treasury a revolving fund
20 for the Oklahoma Military Department to be designated the "Oklahoma
21 National Guard Supplemental Retirement Pay Revolving Fund". The
22 fund shall be a continuing fund, not subject to fiscal year
23 limitations, and shall consist of all monies received by the
24 Oklahoma Military Department from funds provided by law. All monies

1 | accruing to the credit of said fund are hereby appropriated and may
2 | be budgeted and expended by the Oklahoma Military Department for the
3 | purpose of implementing the provisions of Section 18 of this act.
4 | Expenditures from said fund shall be made upon warrants issued by
5 | the State Treasurer against claims filed as prescribed by law with
6 | the Director of the Office of Management and Enterprise Services for
7 | approval and payment.

8 | SECTION 20. NEW LAW A new section of law to be codified
9 | in the Oklahoma Statutes as Section 14-140 of Title 70, unless there
10 | is created a duplication in numbering, reads as follows:

11 | A. Sections 20 through 22 of this act shall be known and may be
12 | cited as the "Oklahoma National Guard CareerTech Assistance Act".

13 | B. As used in this act:

14 | 1. "Technology center school" means a technology center school
15 | under the governance of the State Board of Career and Technology
16 | Education;

17 | 2. "Eligible Guard member" means a current member of the
18 | Oklahoma National Guard in good standing who has a high school
19 | diploma or who has completed General Educational Development (GED)
20 | requirements and who has enrolled in a technology center school; and

21 | 3. "Program" means the Oklahoma National Guard CareerTech
22 | Assistance Program established pursuant to the provisions of this
23 | section.

1 C. 1. There is hereby created the Oklahoma National Guard
2 CareerTech Assistance Program to provide assistance to eligible
3 Guard members who enroll in a technology center school. Subject to
4 the availability of funds, the amount of assistance shall be
5 equivalent to the amount of tuition for a career and technology
6 program in which the eligible Guard member is enrolled leading to
7 certification or licensure, not to exceed a maximum of three (3)
8 years.

9 2. Assistance provided pursuant to this section shall be
10 granted without any limitation other than the amount of funds
11 available for the program and the number of eligible Guard members
12 who apply, subject to any cap established by the Military Department
13 of the State of Oklahoma.

14 3. Assistance allowed by this section shall not be allowed for
15 courses taken in excess of the requirements for completion of a
16 technology center school program leading to certification or
17 licensure.

18 D. Assistance provided pursuant to this section shall be
19 allocated to the technology center school from the Oklahoma National
20 Guard CareerTech Assistance Revolving Fund created pursuant to this
21 section.

22 E. To be eligible to apply for the program, a Guard member
23 shall:

1 1. Have at least one (1) year remaining on his or her
2 enlistment contract at the beginning of any semester for which the
3 member applies for assistance pursuant to this section;

4 2. Agree in writing to complete his or her current service
5 obligation in the Oklahoma National Guard; and

6 3. Agree in writing to serve actively in good standing with the
7 Oklahoma National Guard for not less than twenty-four (24) months
8 after completion of the last semester for which the member receives
9 assistance pursuant to this section.

10 F. To retain eligibility for the program, an eligible Guard
11 member shall:

12 1. Maintain good academic standing and satisfactory progress
13 according to standards of the technology center school in which the
14 member is enrolled;

15 2. Maintain the requirements for retention and completion as
16 established by the technology center school in which the member is
17 enrolled;

18 3. Maintain a minimum grade point average of 2.0 on a 4.0
19 scale;

20 4. Maintain satisfactory participation in the Oklahoma National
21 Guard; and

22 5. Possess a Military Occupational Specialty (MOS) or Air Force
23 Specialty Code (AFSC) after his or her first semester.

1 G. An eligible Guard member seeking assistance pursuant to the
2 provisions of this section shall submit an application on a form
3 prescribed by the Military Department of the State of Oklahoma to
4 the Educational Service Office of the Military Department prior to
5 the semester for which assistance is sought. The eligible Guard
6 member's Commander or his or her designee shall confirm a member's
7 standing and eligibility to the technology center school in which
8 the student is enrolled. The Military Department may establish a
9 cap on the number of eligible Guard members allowed to participate
10 per semester per technology center school program.

11 H. The eligible Guard member's Commander may deny an
12 application submitted by an eligible Guard member for continued
13 program assistance if he or she fails to comply with the provisions
14 of paragraph 1, 2, 3, 4, or 5 of subsection F of this section.

15 I. An eligible Guard member who has received program assistance
16 pursuant to the provisions of this section and who fails to comply
17 with the provisions of paragraph 4 of subsection F of this section
18 shall be required to repay an amount to be calculated as follows:

19 1. Determine the total amount of assistance provided pursuant
20 to the provisions of this section;

21 2. Divide the amount determined in paragraph 1 of this
22 subsection by twenty-four (24); and

23 3. Multiply the amount determined in paragraph 2 of this
24 subsection by the number of months the member did not fulfill the

1 requirements of paragraph 4 of subsection F of this section.
2 Repayments shall be deposited into the Oklahoma National Guard
3 CareerTech Assistance Revolving Fund created pursuant to section.

4 J. An eligible Guard member who has received program assistance
5 pursuant to the provisions of this section and who fails to comply
6 with the provisions of paragraph 4 of subsection F of this section
7 due to hardship circumstances may request a waiver from repayment.
8 A waiver request shall be submitted in writing to the Adjutant
9 General.

10 K. By July 1 annually, the State Board of Career and Technology
11 Education shall notify the Adjutant General of the amount of funding
12 available in the Oklahoma National Guard CareerTech Assistance
13 Revolving Fund created pursuant to Section 22 of this act.

14 L. The State Board of Career and Technology Education shall
15 promulgate rules to implement the provisions of this act, including
16 deadlines for submission of applications required by subsection G of
17 this section. The Military Department of the State of Oklahoma
18 shall promulgate rules and regulations pertaining to the application
19 process and the determination of eligibility for the program. The
20 Board and the Department shall coordinate the promulgation of rules
21 and regulations, respectively. The Adjutant General may promulgate
22 regulations to implement the provisions of this act.

1 SECTION 21. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 14-140.1 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Subject to the provisions of this section, the Adjutant
5 General may permit a qualifying member described in Section 18 of
6 this act who is entitled to education assistance under this act to
7 elect to transfer to one or more of the dependents specified in
8 subsection C of this section a portion of such individual's
9 entitlement to such assistance, subject to the limitation under
10 subsection D of this section.

11 B. An individual referred to in subsection A of this section is
12 any member of the uniformed services who, at the time of the
13 approval of the individual's request to transfer entitlement to
14 educational assistance under this section, has completed at least:

15 1. Six (6) years of service in the Oklahoma National Guard and
16 enters into an agreement to serve at least four (4) more years as a
17 member of the uniformed services; or

18 2. The years of service as determined in regulations pursuant
19 to subsection J of this section.

20 C. Eligible dependents.

21 1. An individual approved to transfer an entitlement to
22 educational assistance under this section may transfer the
23 individual's entitlement to an eligible dependent or a combination
24 of eligible dependents.

1 2. For purposes of this subsection, the term "eligible
2 dependent" has the meaning given the term "dependent" under
3 subparagraphs A, D, and I of Section 1072(2) of Title 10 of the
4 United States Code.

5 D. Limitation of months of transfer.

6 The total number of months of entitlement transferred by an
7 individual under this section may not exceed thirty-six (36) months.
8 The Adjutant General may prescribe regulations that would limit the
9 months of entitlement that may be transferred under this section to
10 no less than eighteen (18) months.

11 E. Designation of transferee. An individual transferring an
12 entitlement to education assistance under this section shall:

13 1. Designate the dependent or dependents to whom such
14 entitlement is being transferred; and

15 2. Designate the number of months of such entitlement to be
16 transferred to such dependent.

17 F. Time for transfer; revocation and modification:

18 1. Subject to the time limitation for use of entitlement under
19 this act, and except as provided in subsection K or L of this
20 section, an individual approved to transfer entitlement to
21 educational assistance under this section may transfer such
22 entitlement only while serving as a member of the Oklahoma National
23 Guard when the transfer is executed.

1 2. An individual transferring entitlement under this section
2 may modify or revoke at any time the transfer of any unused portion
3 of the entitlement so transferred. The modification or revocation
4 of the transfer of entitlement under this subsection shall be made
5 by the submittal of written notice of the action to the Adjutant
6 General and Governor.

7 3. Entitlement transferred under this section may not be
8 treated as marital property, or the asset of a marital estate,
9 subject to division in a divorce or other civil proceeding.

10 G. A dependent to whom entitlement to educational assistance is
11 transferred under this section may not commence the use of the
12 transferred entitlement until:

13 1. In the case of entitlement transferred to a spouse, the
14 completion by the individual making the transfer of at least:

- 15 a. six (6) years of service in the National Guard, or
- 16 b. the years of service as determined in regulations
17 pursuant to subsection J of this section; or

18 2. In the case of entitlement transferred to a child, both:

- 19 a. the completion by the individual making the transfer
20 of at least:

- 21 (1) six (6) years of service in the National Guard,
22 or
- 23 (2) the years of service as determined in regulations
24 pursuant to subsection J of this section, or

b. either:

- (1) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate), or
- (2) the attainment by the child of eighteen (18) years of age.

H. Additional Administrative Matters.

1. The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

2. Except as provided under paragraph 2 of subsection E of this section and subject to paragraphs 5 and 6 of this subsection:

- a. in the case of entitlement transferred to a spouse under this section, the spouse is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred as if the individual were not on active duty,

- b. in the case of entitlement transferred to a child under this section, the child is entitled to educational assistance under this act in the same manner as the individual from whom the entitlement was

1 transferred as if the individual were not on active
2 duty.

3 3. The monthly rate of education assistance payable to a
4 dependent to whom entitlement referred to in paragraph 2 of this
5 subsection is transferred under this section shall be payable:

- 6 a. in the case of a spouse, at the same rate as such
7 entitlement would otherwise be payable under this act
8 to the individual making the transfer as if the
9 individual were not on active duty, and
- 10 b. in the case of a child, at the same rate as such
11 entitlement would otherwise be payable under this act
12 to the individual making the transfer as if the
13 individual were not on active duty.

14 4. Death of transferor: The death of an individual
15 transferring an entitlement under this section shall not affect the
16 use of the entitlement by the dependent to whom the entitlement is
17 transferred.

- 18 a. Death prior to transfer to designated transferees: In
19 the case of an eligible individual whom the Adjutant
20 General has approved to transfer the individual's
21 entitlement under this section who, at the time of
22 death, is entitled to educational assistance under
23 this act and has designated a transferee or
24 transferees under subsection E of this section but has

1 not transferred all of such entitlement to such
2 transferee or transferees, the Adjutant General shall
3 transfer the entitlement of the individual under this
4 section by evenly distributing the amount of such
5 entitlement between all such transferees who would not
6 be precluded from using some or all of the transferred
7 benefits due to the expiration of time limitations
8 found in paragraph 5 of this subsection
9 notwithstanding the limitations under subsection F of
10 this section.

11 b. If a transferee cannot use all of the transferred
12 benefits under subparagraph a of this subsection
13 because of expiration of a time limitation, the unused
14 benefits will be distributed among the other
15 designated transferees who would not be precluded from
16 using some or all of the transferred benefits due to
17 expiration of time limitations found in paragraph 5 of
18 this subsection, unless or until there are no
19 transferees who would not be precluded from using the
20 transferred benefits because of expiration of a time
21 limitation.

22 5. Limitation on age of use by child transferees.

23 a. In general. A child to whom entitlement is
24 transferred under this section may use the benefits

1 transferred without regard to the fifteen-year
2 delimiting date specified in this act, but may not,
3 except as provided in subparagraph b or c of this
4 paragraph, use any benefits so transferred after
5 attaining the age of twenty-six (26) years.

6 b. Primary caregivers of seriously injured members of the
7 armed forces and veterans.

8 (1) In general. Subject to division (2) of this
9 subparagraph, in the case of a child who, before
10 attaining the age of twenty-six (26) years, is
11 prevented from pursuing a chosen program of
12 education by reason of acting as the primary
13 provider of personal care services for a veteran
14 or member of the Oklahoma National Guard, the
15 child may use the benefits beginning on the date
16 specified in division (3) of this subparagraph
17 for a period whose length is specified in
18 division (4) of this subparagraph.

19 (2) Inapplicability for revocation.

20 Division (1) of this subparagraph shall not apply with
21 respect to the period of an individual as a primary
22 provider of personal care services if the period concludes
23 with the revocation of the individual's designation as such
24 a primary provider.

(3) Date for commencement of use. The date specified in this division for the beginning of the use of benefits by a child under division (1) of this subparagraph is the later of:

(a) the date on which the child ceases acting as the primary provider of personal care services for the veteran or member concerned as described in division (1) of this subparagraph,

- (b) the date on which it is reasonably feasible,
as determined under regulations prescribed
by the Adjutant General, for the child to
initiate or resume the use of benefits, or
- (c) the date on which the child attains the age
of twenty-six (26) years.

6. Length of use. The length of the period specified in this paragraph for the use of benefits by a child under division (1) of subparagraph b of paragraph 5 of this section is the length equal to the length of the period that:

- a. begins on the date on which the child begins acting as the primary provider of personal care services for the veteran or member concerned as described in division (1) of subparagraph b of paragraph 5 of this section, and

b. ends on the later of:

- (1) the date on which the child ceases acting as the primary provider of personal care services for the veteran or member as described in division (1) of subparagraph b of paragraph 5 of this section, or
- (2) the date on which it is reasonably feasible, as so determined, for the child to initiate or resume the use of benefits; or

- c. in any case in which the Adjutant General determines that an individual to whom entitlement is transferred under this section has been prevented from pursuing the individual's chosen program of education before the individual attains the age of twenty-six (26) years because the educational institution or training established closed (temporarily or permanently) under an established policy based on an executive order of the Governor or due to an emergency situation, the Adjutant General shall extend the period during which the individual may use such entitlement for a period equal to the number of months that the individual was so prevented from pursuing the program of education, as determined by the Adjutant General.

1 7. The purposes for which a dependent to whom entitlement is
2 transferred under this section may use such entitlement shall
3 include the pursuit and completion of the requirements of a
4 secondary school diploma (or equivalency certificate).

5 8. The administrative provisions of this act shall apply to the
6 use of entitlement transferred under this section, except that the
7 dependent to whom the entitlement is transferred shall be treated as
8 the eligible individual for purposes of such provisions.

9 I. Overpayment.

10 1. Subject to paragraph 2 of this subsection, in the event of
11 an overpayment of educational assistance with respect to a dependent
12 to whom entitlement is transferred under this section, the dependent
13 and the individual making the transfer shall be jointly and
14 severally liable to the State of Oklahoma for the amount of the
15 overpayment.

16 2. Failure to complete service agreement.

17 a. Except as provided in subparagraph b of this
18 paragraph, if an individual transferring entitlement
19 under this section fails to complete the service
20 agreed to by the individual under division (1) of
21 subsection b of this paragraph in accordance with the
22 terms of the agreement of the individual under that
23 subsection, the amount of any transferred entitlement
24 under this section that is used by a dependent of the

1 individual as of the date of such failure shall be
2 treated as an overpayment of educational assistance
3 for which the individual shall be solely liable to the
4 State of Oklahoma for the amount of the overpayment
5 for purpose of this act in the case of an individual
6 who fails to complete service agreed to by the
7 individual:

- 8 (1) by reason of death of the individual, or
- 9 (2) for a reason referred to in this act.

10 J. Regulations.

11 1. The Adjutant General shall prescribe regulations for
12 purposes of this section.

13 2. Such regulations shall specify:

- 14 a. the manner of authorizing the transfer of entitlements
15 under this section,
- 16 b. the eligibility criteria in accordance with subsection
17 B of this section, and
- 18 c. the manner and effect of an election to modify or
19 revoke a transfer of entitlement under paragraph 2 of
20 subsection F of this section.

21 3. The Adjutant General may not prescribe any regulation that
22 would provide for a limitation on eligibility to transfer unused
23 education benefits to family members based on a maximum number of
24 years in the Oklahoma National Guard.

1 K. In the case of a dependent to whom entitlement to
2 educational assistance is transferred under this section who dies
3 before using all of such entitlement, the individual who transferred
4 the entitlement to the dependent may transfer any remaining
5 entitlement to a different eligible dependent, notwithstanding
6 whether the individual is serving as a member of the Armed Forces
7 when such transfer is executed.

8 L. In the case of an individual who transfers entitlement to
9 educational assistance under this section who dies before the
10 dependent to whom entitlement to educational assistance is so
11 transferred has used all of such entitlement, such dependent may
12 transfer such entitlement to another eligible dependent in
13 accordance with the provisions of this section.

14 SECTION 22. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 14-141 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 There is hereby created in the State Treasury a revolving fund
18 for the State Board of Career and Technology Education to be
19 designated the "Oklahoma National Guard CareerTech Assistance
20 Revolving Fund". The fund shall be a continuing fund, not subject
21 to fiscal year limitations, and shall consist of all monies received
22 by the State Board of Career and Technology Education from state
23 appropriations provided for the purpose of implementing the
24 provisions of Sections 18 and 19 of this act. All monies accruing

1 to the credit of the fund are hereby appropriated and may be
2 budgeted and expended by the State Board of Career and Technology
3 Education for the purpose of providing assistance to eligible Guard
4 members pursuant to the provisions of Section 19 of this act.

5 Expenditures from the fund shall be made upon warrants issued by the
6 State Treasurer against claims filed as prescribed by law with the
7 Director of the Office of Management and Enterprise Services for
8 approval and payment.

9 SECTION 23. REPEALER 44 O.S. 2021, Section 940B, is
10 hereby repealed.

11 SECTION 24. This act shall become effective November 1, 2025.

12 Passed the House of Representatives the 20th day of May, 2025.

13
14 _____
15 Presiding Officer of the House
16 of Representatives

17 Passed the Senate the _____ day of _____, 2025.
18
19 _____
20 Presiding Officer of the Senate
21
22
23
24