

35.185 Unlawfully influencing court, member, military judge or counsel prohibited.

- (1) No authority convening a general, special or summary court-martial, nor any other commanding officer, or officer serving on the staff thereof, shall censure, reprimand, or admonish the court or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding. No person subject to this code shall attempt to coerce or, by unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof in reaching the findings or sentence in any case, or the action of any convening, approving or reviewing authority with respect to his judicial acts. The foregoing provisions shall not apply to:
 - (a) General instructional or informational courses in military justice, if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial; or
 - (b) Statements and instructions given in open court by the military judge or counsel.
- (2) In the preparation of an effectiveness, fitness or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the National Guard or active militia is qualified to be advanced in grade or in determining the assignment or transfer of a member of the National Guard or active militia or in determining whether a member of the National Guard or active militia should be retained on duty, no person subject to this code may in preparing any such report:
 - (a) Consider or evaluate the performance of duty of any such member as a member, military judge or trial counsel of a court-martial; or
 - (b) Give a less favorable rating or evaluation of any member of the National Guard or active militia because of the zeal with which such member as counsel represented any accused before a court-martial. This subsection is not applicable to evaluations made by the state judge advocate of the performance of personnel under his supervision.

History: Amended 1970 Ky. Acts ch. 56, sec. 23. -- Created 1954 Ky. Acts ch. 99, sec. 36, effective July 1, 1954.