

**35.460 Conduct constituting desertion.**

- (1) Any member of the National Guard or active militia who is found guilty of any of the following conduct is guilty of desertion:
  - (a) Without proper authority goes or remains absent from his place of service, organization, or place of duty with intent to remain away therefrom permanently;
  - (b) Quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service; or
  - (c) Without being regularly separated from one (1) of the forces of the National Guard or active militia enlists or accepts an appointment in the same or another one (1) of the forces of the National Guard or active militia without fully disclosing the fact he has not been so regularly separated.
- (2) Any officer of the National Guard or active militia, who having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.
- (3) Any person found guilty of desertion or attempt to desert shall be punished as a court-martial directs.

**History:** Amended 1970 Ky. Acts ch. 56, sec. 60. -- Created 1954 Ky. Acts ch. 99, sec. 91, effective July 1, 1954.