

### **35.010 Definitions for chapter.**

As used in this chapter, unless the context otherwise requires:

- (1) "National Guard" means the Kentucky Army National Guard and the Kentucky Air National Guard;
- (2) "Active militia" means a volunteer defense unit other than the National Guard;
- (3) "Officer" means a commissioned officer, including a warrant officer;
- (4) "Superior commissioned officer" means a commissioned officer superior in rank or command;
- (5) "Enlisted person" means any person who is serving in an enlisted grade in any force of the National Guard or active militia;
- (6) "State active duty" means full-time military duty in the active service of the state under an order of the Governor, including travel to and from the duty;
- (7) "Military court" means a court-martial, a court of inquiry, a provost court, or a military commission;
- (8) "Military judge" means an official of general and special courts-martial detailed in accordance with KRS 35.125;
- (9) "Subject person" means person subject to this chapter;
- (10) "Code" means this chapter;
- (11) "Commissioned officer" includes a commissioned warrant officer;
- (12) "Commanding officer" includes only commissioned officers;
- (13) "Grade" means a step or degree in a graduated scale of office or military rank that is established by law or regulation;
- (14) "Rank" means order of precedence among members of the National Guard or active militia;
- (15) "Duty status" includes state active duty and any other type of state military duty, including travel to and from the duty;
- (16) "State judge advocate" means the commissioned officer responsible for supervising the administration of military justice in the National Guard or active militia;
- (17) "Accuser" means a person who signs and swears to charges, any person who directs that charges normally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused;
- (18) "Military" refers to any or all of the Armed Forces;
- (19) "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; and
- (20) "Peace officer" as used in this chapter means any sheriff, deputy sheriff, constable, deputy constable, sworn police officer, sworn enforcement officer of the Department of Kentucky State Police or other duly authorized state law enforcement agency, and other persons with similar authority to make arrests under the provisions of the Kentucky Revised Statutes.

**Effective:** June 26, 2007

**History:** Amended 2007 Ky. Acts ch. 85, sec. 118, effective June 26, 2007. -- Amended 1992 Ky. Acts ch. 307, sec. 1, effective April 9, 1992 -- Amended 1986 Ky. Acts ch. 239, sec. 1, effective July 15, 1986. -- Amended 1970 Ky. Acts ch. 56, sec. 1. -- Created 1954 Ky. Acts ch. 99, sec. 1, effective July 1, 1954.