

35.340 Proceedings to vacate suspension of sentence.

- (1) Prior to the vacation of the suspension of a court-martial sentence the officer having court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. If he so desires the probationer shall be represented at such hearing either by counsel provided by him or by counsel provided for him at his request in the same manner as specified in KRS 35.335.
- (2) The record of the hearing and the recommendations of the officer having court-martial jurisdiction shall be forwarded for action to the state judge advocate in cases involving a general court-martial sentence. If he vacates the suspension, the vacation shall be effective to execute any unexecuted portion of the sentence.
- (3) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

History: Amended 1970 Ky. Acts ch. 56, sec. 47. -- Created 1954 Ky. Acts ch. 99, sec. 67, effective July 1, 1954.