

**35.075 Classification of courts-martial.**

- (1) In the National Guard and active militia there are general, special and summary courts-martial constituted like similar courts of the Armed Forces of the United States. They have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures provided for those courts.
- (2) The three (3) kinds of courts-martial are:
  - (a) General courts-martial:
    1. Consisting of a military judge and not less than five (5) members; or
    2. Only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves.
  - (b) Special courts-martial:
    1. Consisting of a military judge and not less than three (3) members; or
    2. Only a military judge if the accused under the same conditions as those prescribed in subparagraph (2)(a)2. of this subsection so requests.
  - (c) Summary courts-martial, consisting of one (1) commissioned officer.

**History:** Amended 1970 Ky. Acts ch. 56, sec. 11. -- Created 1954 Ky. Acts ch. 99, sec. 14, effective July 1, 1954.