

35.145 Reduced membership of court-martial.

- (1) No member of a general or special court-martial shall be absent or excused after the accused has been arraigned except for physical disability or as a result of a challenge or by order of the convening authority for good cause.
- (2) Whenever a general court-martial is reduced below five (5) members, the trial may not proceed unless specifically consented to by the accused and defense counsel. In such case a new trial may be ordered by the convening authority.
- (3) Whenever a special court-martial is reduced below three (3) members, the trial may not proceed unless specifically consented to by the accused and defense counsel. In such case a new trial may be ordered by the convening authority.

History: Amended 1970 Ky. Acts ch. 56, sec. 19. -- Created 1954 Ky. Acts ch. 99, sec. 28, effective July 1, 1954.