

35.294 Sentences: forfeiture of pay and allowances during confinement.

- (1) (a) A court-martial sentence described in paragraph (b) of this subsection shall result in the forfeiture of pay, or of pay and allowances, due that member during any period of confinement or parole. The forfeiture pursuant to this article shall take effect on the date determined under KRS 35.282 and may be deferred as provided by that section. The pay and allowances forfeited, in the case of a general court-martial, shall be all pay and allowances due that member during that period and, in the case of a special court-martial, shall be two-thirds (2/3) of all pay due that member during that period.
- (b) A sentence covered by this section is any sentence that includes:
 - 1. Confinement for more than six (6) months; or
 - 2. Confinement for six (6) months or less and a dishonorable or bad-conduct discharge or dismissal.
- (2) In a case involving an accused who has dependents, the convening authority or other person acting under KRS 35.326 may waive any or all of the forfeitures of pay and allowances required by subsection (1) of this section for a period not to exceed six (6) months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.
- (3) If the sentence of a member who forfeits pay and allowances under subsection (1) of this section is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (1)(b) of this section, the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.

Effective: June 25, 2013

History: Created 2013 Ky. Acts ch. 32, sec. 63, effective June 25, 2013.