

35.015 Persons subject to this code -- Jurisdiction.

- (1) This code applies to all members of the state military forces at all times and in all places.
- (2) Subject matter jurisdiction is established if a nexus exists between an offense, either military or non-military, and the state military force. Courts-martial have primary jurisdiction of military offenses of this code. A proper civilian court has primary jurisdiction of a non-military offense when an act or omission violates both this code and local criminal law, foreign or domestic. In such a case, a court-martial may be initiated only after the civilian authority has declined to prosecute or dismissed the charge, provided jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be determined by the underlying offense.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 32, sec. 7, effective June 25, 2013. -- Amended 1970 Ky. Acts ch. 56, sec. 2. -- Created 1954 Ky. Acts ch. 99, sec. 2.