**Section 400.1075 Execution of Sentence**

a) *Suspension of Sentence*

1) *If the* approved *sentence of the court-martial extends to dismissal or a dishonorable or bad-conduct discharge, and if the right of the accused to appellate review is not waived, and an appeal is not withdrawn under Code Section 61*, *that part of the sentence extending to dismissal or a dishonorable or bad-conduct discharge may not be executed until there is a final judgment as to the legality of the proceedings. A judgment as to the legality of the proceedings is final in these cases when review is completed by the* Illinois Appellate Court for the Fourth District (see Code Section 67a) *and is deemed final by the law of this State*.

2) *If the sentence of the court-martial extends to dismissal or a dishonorable or bad-conduct discharge, and if the right of the accused to appellate review is waived, or an appeal is withdrawn under Code Section 61,* *that part of the sentence extending to dismissal or a dishonorable or bad-conduct discharge may not be executed until review of the case by the senior force judge advocate and any action on that review under Code* *Section 64 is completed. Any other part of a court-martial sentence may be ordered executed by the convening authority or other person acting on the case under Code Section 60 when so approved under that* statute. (Code Section 71)

b) *Vacation of Suspension*

1) *Before the vacation of the suspension of a special court-martial sentence that, as approved, includes a bad-conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on an alleged violation of probation. The probationer shall be represented at the hearing by military counsel if the probationer so desires*.

2) *The record of the hearing and the recommendation of the officer having special court-martial jurisdiction shall be sent for action to the officer exercising general court-martial jurisdiction over the probationer. If the officer vacates the suspension, any unexecuted part of the sentence, except a dismissal, shall be executed, subject to applicable restrictions in the Code*.

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*. (Code Section 72)