



Sen. Brian W. Stewart

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10100SB2076sam001

LRB101 09477 CPF 57691 a

1 AMENDMENT TO SENATE BILL 2076

2 AMENDMENT NO. _____. Amend Senate Bill 2076 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Code of Military Justice is
5 amended by changing Sections 79, 81, 82, 83, 84, 87, 89, 90,
6 95, 96, 98, 103, 104, 105, 106, 106a, 107, 110, 112, 113, 115,
7 119b, 123, 124, 132, and 133 and by adding Sections 87a, 87b,
8 93a, 95a, 103a, 103b, 104a, 104b, 105a, 107a, 108a, 109a, 119a,
9 120a, 120b, 120c, 121a, 122a, 124a, 124b, 128a, 131a, 131b,
10 131c, 131d, 131e, 131f, and 131g as follows:

11 (20 ILCS 1807/79)

12 Sec. 79. Article 79. Conviction of ~~lesser included~~ offense
13 charged, lesser included offenses, and attempts.

14 (a) An accused may be found guilty of any of the following:
15 ~~an offense necessarily included in the offense charged or of an~~
16 ~~attempt to commit either the offense charged or an offense~~

1 ~~necessarily included therein.~~

2 (1) The offense charged.

3 (2) A lesser included offense.

4 (3) An attempt to commit the offense charged.

5 (4) An attempt to commit a lesser included offense, if
6 the attempt is an offense in its own right.

7 (b) In this Article, "lesser included offense" means:

8 (1) an offense that is necessarily included in the
9 offense charged; and

10 (2) any lesser included offense so designated by
11 regulation prescribed by the Governor.

12 (c) Any designation of a lesser included offense in a
13 regulation referred to in subsection (b) shall be reasonably
14 included in the greater offense.

15 (Source: P.A. 99-796, eff. 1-1-17.)

16 (20 ILCS 1807/81)

17 Sec. 81. Article 81. Conspiracy.

18 (a) Any person subject to this Code who conspires with any
19 other person to commit an offense under this Code shall, if one
20 or more of the conspirators does an act to effect the object of
21 the conspiracy, be punished as a court-martial may direct.

22 (b) Any person subject to this Code who conspires with any
23 other person to commit an offense under the law of war, and who
24 knowingly does an overt act to affect the object of the
25 conspiracy, shall be punished as a court-martial may direct.

1 (Source: P.A. 99-796, eff. 1-1-17.)

2 (20 ILCS 1807/82)

3 Sec. 82. Article 82. Soliciting commission of offenses
4 Solicitation.

5 (a) Any person subject to this Code who solicits or advises
6 another to commit an offense under this Code (other than an
7 offense specified in subsection (b)) shall be punished as a
8 court-martial may direct. ~~Any person subject to this Code who~~
9 ~~solicits or advises another or others to desert in violation of~~
10 ~~Article 85 of this Code or mutiny in violation of Article 94 of~~
11 ~~this Code shall, if the offense solicited or advised is~~
12 ~~attempted or committed, be punished with the punishment~~
13 ~~provided for the commission of the offense, but, if the offense~~
14 ~~solicited or advised is not committed or attempted, the person~~
15 ~~shall be punished as a court martial may direct.~~

16 (b) Any person subject to this Code who solicits or advises
17 another to violate Article 85 of this Code, Article 94 of this
18 title, or Article 99 of this Code: ~~Any person subject to this~~
19 ~~Code who solicits or advises another or others to commit an act~~
20 ~~of misbehavior before the enemy in violation of Article 99 of~~
21 ~~this Code or sedition in violation of Article 94 of this Code~~
22 ~~shall, if the offense solicited or advised is committed, be~~
23 ~~punished with the punishment provided for the commission of the~~
24 ~~offense, but, if the offense solicited or advised is not~~
25 ~~committed, the person shall be punished as a court martial may~~

1 ~~direct.~~

2 (1) if the offense solicited or advised is attempted or
3 is committed, shall be punished with the punishment
4 provided for the commission of the offense; and

5 (2) if the offense solicited or advised is not
6 attempted or committed, shall be punished as a
7 court-martial may direct.

8 (Source: P.A. 99-796, eff. 1-1-17.)

9 (20 ILCS 1807/83)

10 Sec. 83. Article 83. Malingering ~~Fraudulent enlistment,~~
11 ~~appointment, or separation.~~ Any person subject to this Code
12 who, with the intent to avoid work, duty, or service who:

13 (1) feigns illness, physical disablement, mental
14 lapse, or mental derangement ~~procures his own enlistment or~~
15 ~~appointment in the State military forces by knowingly false~~
16 ~~representation or deliberate concealment as to his~~
17 ~~qualifications for that enlistment or appointment and~~
18 ~~receives pay or allowances thereunder; or~~

19 (2) intentionally inflicts self-injury ~~procures his~~
20 ~~own separation from the State military forces by knowingly~~
21 ~~false representation or deliberate concealment as to his~~
22 ~~eligibility for that separation;~~

23 shall be punished as a court-martial may direct.

24 (Source: P.A. 99-796, eff. 1-1-17.)

1 (20 ILCS 1807/84)

2 Sec. 84. Article 84. Breach of medical quarantine ~~Unlawful~~
3 ~~enlistment, appointment, or separation.~~ Any person subject to
4 this Code: ~~who effects an enlistment or appointment in or a~~
5 ~~separation from the State military forces of any person who is~~
6 ~~known to him to be ineligible for that enlistment, appointment,~~
7 ~~or separation because it is prohibited by law, regulation, or~~
8 ~~order-~~

9 (1) who is ordered into medical quarantine by a person
10 authorized to issue such order; and

11 (2) who, with knowledge of the quarantine and the
12 limits of the quarantine, goes beyond those limits before
13 being released from the quarantine by proper authority;

14 shall be punished as a court-martial may direct.

15 (Source: P.A. 99-796, eff. 1-1-17.)

16 (20 ILCS 1807/87)

17 Sec. 87. Article 87. Missing movement; jumping from vessel.

18 (a) Any person subject to this Code who through neglect or
19 design misses the movement of a ship, aircraft, or unit with
20 which he is required in the course of duty to move shall be
21 punished as a court-martial may direct.

22 (b) Any person subject to this Code who wrongfully and
23 intentionally jumps into the water from a vessel in use by the
24 State military forces shall be punished as a court-martial may
25 direct.

1 (Source: P.A. 99-796, eff. 1-1-17.)

2 (20 ILCS 1807/87a new)

3 Sec. 87a. Article 87a. Resistance, flight, breach of
4 arrest, and escape. Any person subject to this Code who:

5 (1) resists apprehension;

6 (2) flees from apprehension;

7 (3) breaks arrest; or

8 (4) escapes from custody or confinement;

9 shall be punished as a court-martial may direct.

10 (20 ILCS 1807/87b new)

11 Sec. 87b. Article 87b. (Reserved).

12 (20 ILCS 1807/89)

13 Sec. 89. Article 89. Disrespect toward superior
14 commissioned officer; assault of superior commissioned
15 officer.

16 (a) Any person subject to this Code who behaves with
17 disrespect toward his superior commissioned officer shall be
18 punished as a court-martial may direct.

19 (b) Any person subject to this Code who strikes that
20 person's superior commissioned officer or draws or lifts up any
21 weapon or offers any violence against that officer while the
22 officer is in the execution of the officer's office shall be
23 punished as a court-martial may direct.

1 (Source: P.A. 99-796, eff. 1-1-17.)

2 (20 ILCS 1807/90)

3 Sec. 90. Article 90. Willfully ~~Assaulting or willfully~~
4 ~~disobeying superior commissioned officer. Any person subject~~
5 ~~to this Code who willfully disobeys a lawful command of that~~
6 ~~person's superior commissioned officer shall be punished as a~~
7 ~~court-martial may direct.~~+

8 ~~(1) strikes his superior commissioned officer or draws~~
9 ~~or lifts up any weapon or offers any violence against him~~
10 ~~while he is in the execution of his office; or~~

11 ~~(2) willfully disobeys a lawful command of his superior~~
12 ~~commissioned officer;~~

13 ~~shall be punished, if the offense is committed in time of war,~~
14 ~~by confinement of not more than 10 years or such other~~
15 ~~punishment as a court martial may direct, and if the offense is~~
16 ~~committed at any other time, by such punishment as a~~
17 ~~court martial may direct.~~

18 (Source: P.A. 99-796, eff. 1-1-17.)

19 (20 ILCS 1807/93a new)

20 Sec. 93a. Article 93a. Prohibited activities with military
21 recruit or trainee by person in position of special trust.

22 (a) Any person subject to this Code:

23 (1) who is an officer, a noncommissioned officer, or a
24 petty officer;

1 (2) who is in a training leadership position with
2 respect to a specially protected junior member of the State
3 military forces; and

4 (3) who engages in prohibited sexual activity with such
5 specially protected junior member of the State military
6 forces;

7 shall be punished as a court-martial may direct.

8 (b) Any person subject to this Code:

9 (1) who is a military recruiter and engages in
10 prohibited sexual activity with an applicant for military
11 service; or

12 (2) who is a military recruiter and engages in
13 prohibited sexual activity with a specially protected
14 junior member of the State military forces who is enlisted
15 under a delayed entry program;

16 shall be punished as a court-martial may direct.

17 (c) Consent is not a defense for any conduct at issue in a
18 prosecution under this Article.

19 (d) In this Article:

20 (1) "Specially protected junior member of the State
21 military forces" means:

22 (A) a member of the State military forces who is
23 assigned to, or is awaiting assignment to, basic
24 training or other initial active duty for training,
25 including a member who is enlisted under a delayed
26 entry program;

1 (B) a member of the State military forces who is a
2 cadet, a midshipman, an officer candidate, or a student
3 in any other officer qualification program; and

4 (C) a member of the State military forces in any
5 program that, by regulation prescribed by the
6 Secretary of the Army or the Air Force, is identified
7 as a training program for initial career
8 qualification.

9 (2) "Training leadership position" means, with respect
10 to a specially protected junior member of the State
11 military forces, any of the following:

12 (A) Any drill instructor position or other
13 leadership position in a basic training program, an
14 officer candidate school, a reserve officers' training
15 corps unit, a training program for entry into the State
16 military forces, or any program that, by regulation
17 prescribed by the Secretary of the Army or the Air
18 Force, is identified as a training program for initial
19 career qualification.

20 (B) Faculty and staff of a State military academy,
21 a regional training institute, or any other formal
22 military education program.

23 (3) "Applicant for military service" means a person
24 who, under regulations prescribed by the Secretary of the
25 Army or the Air Force, is an applicant for original
26 enlistment or appointment in the State military forces.

1 (4) "Military recruiter" means a person who, under
2 regulations prescribed by the Secretary of the Army or the
3 Air Force, has the primary duty to recruit persons for
4 military service.

5 (5) "Prohibited sexual activity" means, as specified
6 in regulations prescribed by the Secretary of the Army or
7 the Air Force, inappropriate physical intimacy under
8 circumstances described in such regulations.

9 (20 ILCS 1807/95)

10 Sec. 95. Article 95. Offenses by sentinel or lookout
11 ~~Resistance, flight, breach of arrest, and escape.~~

12 (a) Any sentinel or lookout who is drunk on post, who
13 sleeps on post, or who leaves post before being regularly
14 relieved shall be punished as a court-martial may direct.

15 (b) Any sentinel or lookout who loiters or wrongfully sits
16 down on post shall be punished as a court-martial may direct.

17 ~~Any person subject to this Code who:~~

18 ~~(1) resists apprehension;~~

19 ~~(2) flees from apprehension;~~

20 ~~(3) breaks arrest; or~~

21 ~~(4) escapes from custody or confinement;~~

22 ~~shall be punished as a court-martial may direct.~~

23 (Source: P.A. 99-796, eff. 1-1-17.)

24 (20 ILCS 1807/95a new)

1 Sec. 95a. Article 95a. Disrespect toward sentinel or
2 lookout.

3 (a) Any person subject to this Code who, knowing that
4 another person is a sentinel or lookout, uses wrongful and
5 disrespectful language that is directed toward and within the
6 hearing of the sentinel or lookout, who is in the execution of
7 duties as a sentinel or lookout, shall be punished as a
8 court-martial may direct.

9 (b) Any person subject to this Code who, knowing that
10 another person is a sentinel or lookout, behaves in a wrongful
11 and disrespectful manner that is directed toward and within the
12 sight of the sentinel or lookout, who is in the execution of
13 duties as a sentinel or lookout, shall be punished as a
14 court-martial may direct.

15 (20 ILCS 1807/96)

16 Sec. 96. Article 96. Release of ~~Releasing~~ prisoner without
17 ~~proper~~ authority; drinking with prisoner.

18 (a) Any person subject to this Code: ~~Any person subject to~~
19 ~~this Code who, without proper authority, releases any prisoner~~
20 ~~committed to his charge, or who through neglect or design~~
21 ~~suffers any such prisoner to escape, shall be punished as a~~
22 ~~court-martial may direct, whether or not the prisoner was~~
23 ~~committed in strict compliance with law.~~

24 (1) who, without authority to do so, releases a
25 prisoner; or

1 (2) who, through neglect or design, allows a prisoner
2 to escape;
3 shall be punished as a court-martial may direct, whether or not
4 the prisoner was committed in strict compliance with the law.

5 (b) Any person subject to this Code who unlawfully drinks
6 any alcoholic beverage with a prisoner shall be punished as a
7 court-martial may direct.

8 (Source: P.A. 99-796, eff. 1-1-17.)

9 (20 ILCS 1807/98)

10 Sec. 98. Article 98. Misconduct as prisoner ~~Noncompliance~~
11 ~~with procedural rules.~~ Any person subject to this Code who,
12 while in the hand of the enemy in time of war:

13 (1) for the purpose of securing favorable treatment by
14 his captors acts without proper authority in a manner
15 contrary to law, custom, or regulation, to the detriment of
16 others of whatever nationality held by the enemy as
17 civilian or military prisoners ~~is responsible for~~
18 ~~unnecessary delay in the disposition of any case of a~~
19 ~~person accused of an offense under this Code; or~~

20 (2) while in a position of authority over such persons
21 maltreats them without justifiable cause ~~knowingly and~~
22 ~~intentionally fails to enforce or comply with any provision~~
23 ~~of this Code regulating the proceedings before, during, or~~
24 ~~after trial of an accused;~~

25 shall be punished as a court-martial may direct.

1 (Source: P.A. 99-796, eff. 1-1-17.)

2 (20 ILCS 1807/103)

3 Sec. 103. Article 103. (Reserved). ~~Captured or abandoned~~
4 ~~property.~~

5 ~~(a) All persons subject to this Code shall secure all~~
6 ~~public property taken for the service of the United States or~~
7 ~~this State, and shall give notice and turn over to the proper~~
8 ~~authority without delay all captured or abandoned property in~~
9 ~~their possession, custody, or control.~~

10 ~~(b) Any person subject to this Code who:~~

11 ~~(1) fails to carry out the duties prescribed in~~
12 ~~subsection (a);~~

13 ~~(2) buys, sells, trades, or in any way deals in or~~
14 ~~disposes of taken, captured, or abandoned property,~~
15 ~~whereby he receives or expects any profit, benefit, or~~
16 ~~advantage to himself or another directly or indirectly~~
17 ~~connected with himself; or~~

18 ~~(3) engages in looting or pillaging;~~
19 ~~shall be punished as a court-martial may direct.~~

20 (Source: P.A. 99-796, eff. 1-1-17.)

21 (20 ILCS 1807/103a new)

22 Sec. 103a. Article 103a. (Reserved).

23 (20 ILCS 1807/103b new)

1 Sec. 103b. Article 103b. Aiding the enemy. Any person who:

2 (1) aids, or attempts to aid, the enemy with arms,
3 ammunition, supplies, money, or other things; or

4 (2) without proper authority, knowingly harbors or
5 protects or gives intelligence to, or communicates or
6 corresponds with or holds any intercourse with the enemy,
7 either directly or indirectly;

8 shall be punished as a court-martial may direct.

9 (20 ILCS 1807/104)

10 ~~Sec. 104. Article 104. (Reserved). Aiding the enemy. Any~~
11 ~~person subject to this Code who:~~

12 ~~(1) aids, or attempts to aid, the enemy with arms,~~
13 ~~ammunition, supplies, money, or other things; or~~

14 ~~(2) without proper authority, knowingly harbors or~~
15 ~~protects or gives intelligence to, or communicates or~~
16 ~~corresponds with or holds any intercourse with the enemy,~~
17 ~~either directly or indirectly;~~

18 ~~shall be punished as a court martial may direct.~~

19 (Source: P.A. 99-796, eff. 1-1-17.)

20 (20 ILCS 1807/104a new)

21 Sec. 104a. Article 104a. Fraudulent enlistment,
22 appointment, or separation. Any person who:

23 (1) procures his or her own enlistment or appointment
24 in the State military forces by knowingly false

1 representation or deliberate concealment as to his or her
2 qualifications for that enlistment or appointment and
3 receives pay or allowances thereunder; or

4 (2) procures his or her own separation from the State
5 military forces by knowingly false representation or
6 deliberate concealment as to his or her eligibility for
7 that separation;

8 shall be punished as a court-martial may direct.

9 (20 ILCS 1807/104b new)

10 Sec. 104b. Article 104b. Unlawful enlistment, appointment,
11 or separation. Any person subject to this Code who affects an
12 enlistment or appointment in or a separation from the State
13 military forces of any person who is known to him to be
14 ineligible for that enlistment, appointment, or separation
15 because it is prohibited by law, regulation, or order shall be
16 punished as a court-martial may direct.

17 (20 ILCS 1807/105)

18 Sec. 105. Article 105. (Reserved). Misconduct as prisoner.
19 Any person subject to this Code who, while in the hands of the
20 enemy in time of war:

21 (1) for the purpose of securing favorable treatment by
22 his captors acts without proper authority in a manner
23 contrary to law, custom, or regulation, to the detriment of
24 others of whatever nationality held by the enemy as

1 ~~civilian or military prisoners; or~~
2 ~~(2) while in a position of authority over such persons~~
3 ~~maltreats them without justifiable cause;~~
4 ~~shall be punished as a court-martial may direct.~~

5 (Source: P.A. 99-796, eff. 1-1-17.)

6 (20 ILCS 1807/105a new)

7 Sec. 105a. Article 105a. False or unauthorized pass
8 offenses.

9 (a) Any person subject to this Code who, wrongfully and
10 falsely, makes, alters, counterfeits, or tampers with a
11 military or official pass, permit, discharge certificate, or
12 identification card shall be punished as a court-martial may
13 direct.

14 (b) Any person subject to this Code who wrongfully sells,
15 gives, lends, or disposes of a false or unauthorized military
16 or official pass, permit, discharge certificate, or
17 identification card, knowing that the pass, permit, discharge
18 certificate, or identification card is false or unauthorized,
19 shall be punished as a court-martial may direct.

20 (c) Any person subject to this Code who wrongfully uses or
21 possesses a false or unauthorized military or official pass,
22 permit, discharge certificate, or identification card, knowing
23 that the pass, permit, discharge certificate, or
24 identification card is false or unauthorized, shall be punished
25 as a court-martial may direct.

1 (20 ILCS 1807/106)

2 Sec. 106. Article 106. Article 106. Impersonation of
3 officer, noncommissioned or petty officer, or agent or official
4 (Reserved).

5 (a) Any person subject to this Code who, wrongfully and
6 willfully, impersonates:

7 (1) an officer, a noncommissioned officer, or a petty
8 officer;

9 (2) an agent of superior authority of one of the armed
10 forces; or

11 (3) an official of a government;

12 shall be punished as a court-martial may direct.

13 (b) Any person subject to this Code who, wrongfully,
14 willfully, and with intent to defraud, impersonates any person
15 referred to in paragraph (1), (2), or (3) of subsection (a)
16 shall be punished as a court-martial may direct.

17 (c) Any person subject to this Code who, wrongfully,
18 willfully, and without intent to defraud, impersonates an
19 official of a government by committing an act that exercises or
20 asserts the authority of the office that the person claims to
21 have shall be punished as a court-martial may direct.

22 (Source: P.A. 99-796, eff. 1-1-17.)

23 (20 ILCS 1807/106a)

24 Sec. 106a. Article 106a. Article 106a. Wearing

1 unauthorized insignia, decoration, badge, ribbon, device, or
2 lapel button ~~(Reserved)~~. Any person subject to this Code:

3 (1) who is not authorized to wear an insignia,
4 decoration, badge, ribbon, device, or lapel button; and

5 (2) who wrongfully wears such insignia, decoration,
6 badge, ribbon, device, or lapel button upon the person's
7 uniform or civilian clothing;

8 shall be punished as a court-martial may direct.

9 (Source: P.A. 99-796, eff. 1-1-17.)

10 (20 ILCS 1807/107)

11 Sec. 107. Article 107. False official statements; false
12 swearing.

13 (a) Any person subject to this Code who, with intent to
14 deceive: 7

15 (1) signs any false record, return, regulation, order,
16 or other official document ~~made in the line of duty,~~
17 knowing it to be false; 7 or

18 (2) makes any other false official statement ~~made in~~
19 ~~the line of duty,~~ knowing it to be false; 7

20 shall be punished as a court-martial may direct.

21 (b) Any person subject to this Code:

22 (1) who takes an oath that:

23 (A) is administered in a matter in which such oath
24 is required or authorized by law; and

25 (B) is administered by a person with authority to

1 do so; and

2 (2) who, upon such oath, makes or subscribes to a
3 statement; if the statement is false and at the time of
4 taking the oath, the person does not believe the statement
5 to be true,

6 shall be punished as a court-martial may direct.

7 (Source: P.A. 99-796, eff. 1-1-17.)

8 (20 ILCS 1807/107a new)

9 Sec. 107a. Article 107a. Parole violation. Any person
10 subject to this Code:

11 (1) who, having been a prisoner as the result of a
12 court-martial conviction or other criminal proceeding, is
13 on parole with conditions; and

14 (2) who violates the conditions of parole;
15 shall be punished as a court-martial may direct.

16 (20 ILCS 1807/108a new)

17 Sec. 108a. Article 108a. Captured or abandoned property.

18 (a) All persons subject to this Code shall secure all
19 public property taken from the enemy for the service of the
20 United States, and shall give notice and turn over to the
21 proper authority without delay all captured or abandoned
22 property in their possession, custody, or control.

23 (b) Any person subject to this Code who:

24 (1) fails to carry out the duties prescribed in

1 subsection (a);

2 (2) buys, sells, trades, or in any way deals in or
3 disposes of captured or abandoned property, whereby he
4 receives or expects any profit, benefit, or advantage to
5 himself or another directly or indirectly connected with
6 himself; or

7 (3) engages in looting or pillaging; shall be punished
8 as a court-martial may direct.

9 (20 ILCS 1807/109a new)

10 Sec. 109a. Article 109a. (Reserved).

11 (20 ILCS 1807/110)

12 Sec. 110. Article 110. Improper hazarding of vessel or
13 aircraft.

14 (a) Any person subject to this Code who willfully and
15 wrongfully hazards or suffers to be hazarded any vessel or
16 aircraft of the armed forces of the United States or any state
17 military forces shall be punished ~~suffer such punishment~~ as a
18 court-martial may direct.

19 (b) Any person subject to this Code who negligently hazards
20 or suffers to be hazarded any vessel or aircraft of the armed
21 forces of the United States or any state military forces shall
22 be punished as a court-martial may direct.

23 (Source: P.A. 99-796, eff. 1-1-17.)

1 (20 ILCS 1807/112)

2 Sec. 112. Article 112. Article 112. Drunkenness and other
3 incapacitation offenses ~~Drunk on duty.~~

4 (a) Any person subject to this Code ~~other than a sentinel~~
5 ~~or look out,~~ who is found drunk on duty, shall be punished as a
6 court-martial may direct.

7 (b) Any person subject to this Code who, as a result of
8 indulgence in any alcoholic beverage or any drug, is
9 incapacitated for the proper performance of duty shall be
10 punished as a court-martial may direct.

11 (c) Any person subject to this Code who is a prisoner and,
12 while in such status, is drunk shall be punished as a
13 court-martial may direct.

14 (Source: P.A. 99-796, eff. 1-1-17.)

15 (20 ILCS 1807/113)

16 Sec. 113. Article 113. (Reserved). ~~Misbehavior of~~
17 ~~sentinel. Any sentinel or look out who is found drunk or~~
18 ~~sleeping upon his post or leaves it before being regularly~~
19 ~~relieved shall be punished, if the offense is committed in time~~
20 ~~of war, by confinement of not more than 10 years or other~~
21 ~~punishment as a court-martial may direct, but if the offense is~~
22 ~~committed at any other time, by such punishment as a~~
23 ~~court-martial may direct.~~

24 (Source: P.A. 99-796, eff. 1-1-17.)

1 (20 ILCS 1807/115)

2 Sec. 115. Article 115. Article 115. Communicating threats
3 Malingering.

4 (a) Any person subject to this Code who wrongfully
5 communicates a threat to injure the person, property, or
6 reputation of another shall be punished as a court-martial may
7 direct.

8 (b) Any person subject to this Code who wrongfully
9 communicates a threat to injure the person or property of
10 another by use of (1) an explosive, (2) a weapon of mass
11 destruction, (3) a biological or chemical agent, substance, or
12 weapon, or (4) a hazardous material, shall be punished as a
13 court-martial may direct.

14 (c) Any person subject to this Code who maliciously
15 communicates a false threat concerning injury to the person or
16 property of another by use of (1) an explosive, (2) a weapon of
17 mass destruction, (3) a biological or chemical agent,
18 substance, or weapon, or (4) a hazardous material, shall be
19 punished as a court-martial may direct. As used in this
20 subsection, "false threat" means a threat that, at the time the
21 threat is communicated, is known to be false by the person
22 communicating the threat.

23 ~~Any person subject to this Code who for the purpose of avoiding~~
24 ~~work, duty, or service:~~

25 ~~(1) feigns illness, physical disablement, mental~~
26 ~~lapse, or derangement; or~~

1 ~~(2) intentionally inflicts self injury;~~
2 ~~shall be punished as a court martial may direct.~~

3 (Source: P.A. 99-796, eff. 1-1-17.)

4 (20 ILCS 1807/119a new)

5 Sec. 119a. Article 119a. (Reserved).

6 (20 ILCS 1807/119b new)

7 Sec. 119b. Article 119b. (Reserved).

8 (20 ILCS 1807/120a new)

9 Sec. 120a. Article 120a. (Reserved).

10 (20 ILCS 1807/120b new)

11 Sec. 120b. Article 120b. (Reserved).

12 (20 ILCS 1807/120c new)

13 Sec. 120c. Article 120c. (Reserved).

14 (20 ILCS 1807/121a new)

15 Sec. 121a. Article 121a. (Reserved).

16 (20 ILCS 1807/122a new)

17 Sec. 122a. Article 122a. (Reserved).

18 (20 ILCS 1807/123)

1 Sec. 123. Article 123. Offenses concerning Government
2 computers ~~(Reserved)~~.

3 (a) Any person subject to this Code who:

4 (1) knowingly accesses a Government computer, with an
5 unauthorized purpose, and by doing so obtains classified
6 information, with reason to believe such information could
7 be used to the injury of the United States, or to the
8 advantage of any foreign nation, and intentionally
9 communicates, delivers, transmits, or causes to be
10 communicated, delivered, or transmitted such information
11 to any person not entitled to receive it;

12 (2) intentionally accesses a Government computer, with
13 an unauthorized purpose, and thereby obtains classified or
14 other protected information from any such Government
15 computer; or

16 (3) knowingly causes the transmission of a program,
17 information, code, or command, and as a result of such
18 conduct, intentionally causes damage without authorization
19 to a Government computer;

20 shall be punished as a court-martial may direct.

21 (b) In this Article:

22 (1) "Computer" has the meaning given that term in
23 Section 1030 of Title 18 of the United States Code.

24 (2) "Government computer" means a computer owned or
25 operated by or on behalf of the United States Government or
26 State government.

1 (3) "Damage" has the meaning given that term in Section
2 1030 of Title 18 of the United States Code.

3 (Source: P.A. 99-796, eff. 1-1-17.)

4 (20 ILCS 1807/124)

5 Sec. 124. Article 124. Frauds against the government. Any
6 person subject to this Code: ~~(Reserved).~~

7 (1) who, knowing it to be false or fraudulent:

8 (A) makes any claim against the United States, this
9 State, or any officer thereof; or

10 (B) presents to any person in the civil or military
11 service thereof, for approval or payment, any claim against
12 the United States, this State, or any officer thereof;

13 (2) who, for the purpose of obtaining the approval,
14 allowance, or payment of any claim against the United States,
15 this State, or any officer thereof:

16 (A) makes or uses any writing or other paper knowing it
17 to contain any false or fraudulent statements;

18 (B) makes any oath, affirmation, or certification to
19 any fact or to any writing or other paper knowing the oath,
20 affirmation, or certification to be false; or

21 (C) forges or counterfeits any signature upon any
22 writing or other paper, or uses any such signature knowing
23 it to be forged or counterfeited;

24 (3) who, having charge, possession, custody, or control of
25 any money, or other property of the United States or this

1 State, furnished or intended for the armed forces of the United
2 States or the State military forces, knowingly delivers to any
3 person having authority to receive it, any amount thereof less
4 than that for which he receives a certificate or receipt; or

5 (4) who, being authorized to make or deliver any paper
6 certifying the receipt of any property of the United States or
7 this State, furnished or intended for the armed forces of the
8 United States or the State military forces, makes or delivers
9 to any person such writing without having full knowledge of the
10 truth of the statements therein contained and with intent to
11 defraud the United States or this State;

12 shall, upon conviction, be punished as a court-martial may
13 direct.

14 (Source: P.A. 99-796, eff. 1-1-17.)

15 (20 ILCS 1807/124a new)

16 Sec. 124a. Article 124a. (Reserved).

17 (20 ILCS 1807/124b new)

18 Sec. 124b. Article 124b. (Reserved).

19 (20 ILCS 1807/128a new)

20 Sec. 128a. Article 128a. (Reserved).

21 (20 ILCS 1807/131a new)

22 Sec. 131a. Article 131a. (Reserved).

1 (20 ILCS 1807/131b new)

2 Sec. 131b. Article 131b. (Reserved).

3 (20 ILCS 1807/131c new)

4 Sec. 131c. Article 131c. (Reserved).

5 (20 ILCS 1807/131d new)

6 Sec. 131d. Article 131d. (Reserved).

7 (20 ILCS 1807/131e new)

8 Sec. 131e. Article 131e. (Reserved).

9 (20 ILCS 1807/131f new)

10 Sec. 131f. Article 131f. Noncompliance with procedural
11 rules. Any person subject to this Code who:

12 (1) is responsible for unnecessary delay in the
13 disposition of any case of a person accused of an offense
14 under this Code; or

15 (2) knowingly and intentionally fails to enforce or
16 comply with any provision of this Code regulating the
17 proceedings before, during, or after trial of an accused;
18 shall be punished as a court-martial may direct.

19 (20 ILCS 1807/131g new)

20 Sec. 131g. Article 131g. Wrongful interference with

1 adverse administrative proceeding. Any person subject to this
2 Code who, having reason to believe that an adverse
3 administrative proceeding is pending against any person
4 subject to this Code, wrongfully acts with the intent:

5 (1) to influence, impede, or obstruct the conduct of
6 the proceeding; or

7 (2) otherwise to obstruct the due administration of
8 justice;

9 shall be punished as a court-martial may direct.

10 (20 ILCS 1807/132)

11 Sec. 132. Article 132. Retaliation ~~Frauds against the~~
12 ~~government.~~

13 (a) Any person subject to this Code who, with the intent to
14 retaliate against any person for reporting or planning to
15 report a criminal offense, or making or planning to make a
16 protected communication, or with the intent to discourage any
17 person from reporting a criminal offense or making or planning
18 to make a protected communication:

19 (1) wrongfully takes or threatens to take an adverse
20 personnel action against any person; or

21 (2) wrongfully withholds or threatens to withhold a
22 favorable personnel action with respect to any person;
23 shall be punished as a court-martial may direct.

24 (b) In this Article:

25 (1) "Protected communication" means the following:

1 (A) A lawful communication to a Member of Congress
2 or an Inspector General.

3 (B) A communication to a covered individual or
4 organization in which a member of the State military
5 forces complains of, or discloses information that the
6 member reasonably believes constitutes evidence of,
7 any of the following:

8 (i) A violation of law or regulation,
9 including a law or regulation prohibiting sexual
10 harassment or unlawful discrimination.

11 (ii) Gross mismanagement, a gross waste of
12 funds, an abuse of authority, or a substantial and
13 specific danger to public health or safety.

14 (2) "Inspector General" has the meaning given that term
15 in Section 1034(j) of Title 10 of the United States Code.

16 (3) "Covered individual or organization" means any
17 recipient of a communication specified in clauses (i)
18 through (v) of Section 1034(b)(1)(B) of Title 10 of this
19 Code.

20 (4) "Unlawful discrimination" means discrimination on
21 the basis of race, color, religion, sex, or national
22 origin.

23 ~~Any person subject to this Code:~~

24 ~~(1) who, knowing it to be false or fraudulent:~~

25 ~~(A) makes any claim against the United States, this~~
26 ~~State, or any officer thereof; or~~

1 ~~(B) presents to any person in the civil or military~~
2 ~~service thereof, for approval or payment, any claim~~
3 ~~against the United States, this State, or any officer~~
4 ~~thereof;~~

5 ~~(2) who, for the purpose of obtaining the approval,~~
6 ~~allowance, or payment of any claim against the United~~
7 ~~States, this State, or any officer thereof;~~

8 ~~(A) makes or uses any writing or other paper~~
9 ~~knowing it to contain any false or fraudulent~~
10 ~~statements;~~

11 ~~(B) makes any oath, affirmation, or certification~~
12 ~~to any fact or to any writing or other paper knowing~~
13 ~~the oath, affirmation, or certification to be false; or~~

14 ~~(C) forges or counterfeits any signature upon any~~
15 ~~writing or other paper, or uses any such signature~~
16 ~~knowing it to be forged or counterfeited;~~

17 ~~(3) who, having charge, possession, custody, or~~
18 ~~control of any money, or other property of the United~~
19 ~~States or this State, furnished or intended for the armed~~
20 ~~forces of the United States or the State military forces,~~
21 ~~knowingly delivers to any person having authority to~~
22 ~~receive it, any amount thereof less than that for which he~~
23 ~~receives a certificate or receipt; or~~

24 ~~(4) who, being authorized to make or deliver any paper~~
25 ~~certifying the receipt of any property of the United States~~
26 ~~or this State, furnished or intended for the armed forces~~

1 ~~of the United States or the State military forces, makes or~~
2 ~~delivers to any person such writing without having full~~
3 ~~knowledge of the truth of the statements therein contained~~
4 ~~and with intent to defraud the United States or this State,~~
5 ~~shall, upon conviction, be punished as a court martial may~~
6 ~~direct.~~

7 (Source: P.A. 99-796, eff. 1-1-17.)

8 (20 ILCS 1807/133)

9 Sec. 133. Article 133. Conduct unbecoming an officer and a
10 gentleman. Any commissioned officer, cadet, ~~candidate,~~ or
11 midshipman who is convicted of conduct unbecoming an officer
12 and a gentleman shall be punished as a court-martial may
13 direct.

14 (Source: P.A. 99-796, eff. 1-1-17.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."