

### **38.120 Resignation of officers.**

A commissioned officer tendering his resignation, if the Governor accepts it, shall receive an honorable discharge if he is not under arrest or to be returned to a military court for deficiency or delinquency. The Governor may not accept the resignation of an officer of the Kentucky National Guard who has been charged with an offense under the Kentucky Military Code of Justice which is tantamount to a felony under Kentucky criminal law.

**History:** Amended 1954 Ky. Acts ch. 98, sec. 8. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2711a-170.